

(Revised)

For discussion
on 11 June 2003

EC(2003-04)8

ITEM FOR ESTABLISHMENT SUBCOMMITTEE OF FINANCE COMMITTEE

**HEAD 144 – GOVERNMENT SECRETARIAT :
CONSTITUTIONAL AFFAIRS BUREAU
Subhead 000 Operational expenses**

Members are invited to recommend to the Finance Committee the following proposal with effect from 1 July 2003–

(a) the creation of the following permanent post –

1 Administrative Officer Staff Grade C/
non-civil service position at D2-equivalent
(D2) (\$117,040 - \$124,305)

to be offset by the deletion of the following permanent post –

1 Administrative Officer Staff Grade C
(D2) (\$117,040 - \$124,305); and

(b) the deletion of the following permanent post –

1 Administrative Officer Staff Grade C
(D2) (\$117,040 - \$124,305).

/PROBLEM

PROBLEM

An Administrative Assistant (AA) is required to provide the Secretary for Constitutional Affairs (SCA) with administrative support. SCA has also identified staff savings at the directorate level.

PROPOSAL

2. We propose to –
 - (a) create one permanent post of Administrative Officer Staff Grade C (AOSGC) (D2)/non-civil service position at D2-equivalent with effect from 1 July 2003 as Principal Assistant Secretary (PAS) cum AA to SCA (PAS/AA to SCA). This post will be offset by the deletion of an existing AOSGC post in the Constitutional Affairs Bureau (CAB). This is made possible by the redistribution of certain duties within the Bureau; and
 - (b) delete one further permanent AOSGC (D2) post in CAB with effect from 1 July 2003 by redistributing the duties of the post among other officers in CAB.

JUSTIFICATION

3. Under the accountability system introduced on 1 July 2002, each Director of Bureau is provided with his/her own private office, comprising an AA (equivalent to AOSGC (D2) rank) and other non-directorate support staff. These posts in the Director of Bureau's private office are to be made available through redeployment of existing resources by the bureau concerned. To provide the necessary administrative support to SCA, we created a supernumerary AOSGC post in CAB on 6 July 2002 by holding against the post of Principal Assistant Secretary (Constitutional Affairs) 3 (PAS(CA)3) (AOSGC) (D2) for a period of up to 12 months under delegated authority from the Finance Committee (FC) to serve as AA to SCA, with a view to seeking the approval of the Establishment Subcommittee and FC to make the post permanent.

4. Since the introduction of the accountability system, we have reviewed critically our staffing and organisation structure with a view to making better use of available resources. Following the review, our conclusion is that there is room for streamlining the current establishment by redistribution of duties among some of

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the officers in the Bureau. We consider that the AA to SCA, in addition to undertaking her work as an AA, has the capacity to take up the duties and responsibilities of the PAS(CA)3 relating to the applicability of Hong Kong Special Administrative Region (HKSAR) laws to the Central People's Government offices in the HKSAR, the adaptation of laws exercise and the implementation of the Basic Law. This has been already implemented since 6 July 2002. At the same time, we envisage that after the 12-month report on the accountability system has been submitted to Legislative Council, the duties of PAS(CA)1 relating to the implementation of the accountability system for principal officials can also be undertaken by AA to SCA. In summary, the AA to SCA will continue to carry the original responsibilities of PAS(CA)3, perform the duties of an AA and assume the schedule of PAS(CA)1 relating to the accountability system.

Encls. 1
& 2
Encl. 3

5. The other duties and responsibilities of PAS(CA)1 including those relating to the promotion of the Basic Law, the liaison with the Office of the Commissioner of the Ministry of Foreign Affairs in HKSAR and the handling of external affairs of HKSAR will be undertaken by the Deputy Secretary (Constitutional Affairs) 2 (DS(CA)2), who is the supervisor of PAS(CA)1. Following the redistribution of duties, the post of PAS(CA)1 will be deleted with effect from 1 July 2003. The existing duty lists of DS(CA)2 and PAS(CA)1 are at Enclosures 1 and 2 respectively. The revised duties and responsibilities of DS(CA)2, following the redistribution of PAS(CA)1's duties, are at Enclosure 3.

Encl. 4

6. Taking into account the operational need to continue to provide an AA to SCA on a permanent basis upon the lapse of the supernumerary AOSGC post as AA to SCA, we propose to effect the permanent redeployment of the PAS(CA)3 post as PAS/AA to SCA with effect from 1 July 2003. When Members considered the accountability system in June 2002 (EC(2002-03)2), Members noted that the principal official's administrative assistant would be pitched at a level equivalent to AOSGC(D2). These positions could be filled by civil servants on postings or by way of direct appointment to non-civil service positions at the rank of D2-equivalent. Hence, we propose to rank the PAS/AA to SCA at AOSGC (D2)/non-civil service position at D2-equivalent to provide flexibility in filling this position. The proposed creation is to be offset by the deletion of the PAS(CA)3 post. The job description of the PAS/AA to SCA post is at Enclosure 4. The duties and responsibilities of the other PASs in CAB, namely PAS(CA)2, PAS(CA)4 and PAS(CA)5, will remain unchanged.

Encl. 5
Encl. 6

7. The existing organisation chart of CAB is at Enclosure 5. The proposed organisation chart is at Enclosure 6.

/FINANCIAL

FINANCIAL IMPLICATIONS

8. The proposed changes in directorate posts will bring about the following net savings in notional annual salary cost at mid-point (NAMS) –

	NAMS \$	No. of Post
Deletion of posts		
AOSGC (D2) posts	2,896,080	2
Less New permanent post		
AOSGC (D2) post/non-civil service position at D2-equivalent	1,448,040	1
	1,448,040	1

The savings in full annual average staff cost, including salaries and staff on-cost, are \$2,472,000.

BACKGROUND INFORMATION

9. With the implementation of the accountability system from 1 July 2002, the Administration has pledged that the principal officials will review the working relationship between bureaux and executive departments within their respective purview. The overall direction is to streamline the structure and working relationship between the two, merging and integrating similar functions being performed by both, making better use of resources, and enhancing the efficient and effective implementation of policies and delivery of services to the public. We have conducted a review internally and have decided that there would not be any major re-organisation between the Bureau and the only executive department, namely the Registration and Electoral Office.

ESTABLISHMENT CHANGES

10. The establishment changes in CAB for the last two years are as follows –

/Establishment

Establishment (Note)	Number of posts			
	Existing (as at 1.5.2003)	as at 1.4.2003	as at 1.4.2002	as at 1.4.2001
A	8	8	8	8
B	12	12	12	12
C	28	28	28	28
Total	48	48	48	48

Note:

A – ranks in the directorate pay scale or equivalent

B – non-directorate ranks the maximum pay point of which is above MPS Point 33 or equivalent

C – non-directorate ranks the maximum pay point of which is at or below MPS Point 33 or equivalent

CONSULTATION WITH LEGISLATIVE COUNCIL PANELS

11. We have briefed the Legislative Council Panel on Constitutional Affairs on 24 April 2003. Our proposal then was to create the PAS/AA to SCA post, offset by the deletion of an existing AOSGC post, and to freeze the PAS(CA)1 post. Members of the Panel noted the proposal and had no comments. Pursuant to further consideration, we have taken the view that the PAS(CA)1 post could be deleted instead of being frozen.

CIVIL SERVICE BUREAU COMMENTS

12. Having regard to the operational need for an AA to SCA and the proposed redistribution of work within CAB, the Civil Service Bureau supports the proposed creation of one AOSGC (D2) post/non-civil service position at D2-equivalent and the deletion of two AOSGC posts in CAB. We are satisfied that the grading and ranking of the proposed post are appropriate, having regard to the level and scope of responsibilities involved.

ADVICE OF THE STANDING COMMITTEE ON DIRECTORATE SALARIES AND CONDITIONS OF SERVICE

13. The Standing Committee on Directorate Salaries and Conditions of Service has advised that the grading proposed for the PAS/AA to SCA post would be appropriate if the post were to be created through redeployment under the re-organisation proposal.

Current Job Description

Deputy Secretary (Constitutional Affairs) 2

Rank : Administrative Officer Staff Grade B (D3)

Responsible to : Permanent Secretary for Constitutional Affairs

Main Duties and Responsibilities –

- (1) oversee the review of the implementation of the Accountability System for Principal Officials;
- (2) advise bureaux/departments on matters relating to the implementation of the Basic Law;
- (3) advise bureaux/departments on matters relating to Taiwan;
- (4) advise bureaux/departments on matters relating to Central People's Government/HKSARG relations;
- (5) coordinate the conduct of HKSARG's external affairs; and
- (6) coordinate the promotion of the Basic Law and oversee the running of the Basic Law Promotion Steering Committee Secretariat.

Current Job Description

Principal Assistant Secretary (Constitutional Affairs) 1

Rank : Administrative Officer Staff Grade C (D2)

Responsible to : Deputy Secretary (Constitutional Affairs) 2

Main Duties and Responsibilities –

- (1) coordinate the review of the implementation of the Accountability System for Principal Officials;
- (2) liaise with the Office of the Commissioner of the Ministry of Foreign Affairs Office in the HKSAR;
- (3) advise on participation in international organisations and conferences, and hosting of international conferences;
- (4) advise on bilateral/multilateral agreements;
- (5) advise on consular matters;
- (6) advise on the discharge of the Central People's Government's international obligations in the HKSAR;
- (7) coordinate the promotion of the Basic Law; and
- (8) serve as Secretary to the Basic Law Promotion Steering Committee.

New Job Description

**Deputy Secretary (Constitutional Affairs) 2
(following redistribution of PAS(CA)1's duties)**

Rank : Administrative Officer Staff Grade B (D3)

Responsible to : Permanent Secretary for Constitutional Affairs

Main Duties and Responsibilities –

- (1) oversee matters relating to the implementation of the Accountability System for Principal Officials;
- (2) advise bureaux/departments on matters relating to the implementation of the Basic Law;
- (3) advise bureaux/departments on matters relating to Taiwan;
- (4) advise bureaux/departments on matters relating to Central People's Government /HKSARG relations;
- (5) liaise with the Office of the Commissioner of the Ministry of Foreign Affairs Office in the HKSAR;
- (6) coordinate the conduct of HKSARG's external affairs by –
 - (a) advising on participation in international organisations and conferences, and hosting of international conferences;
 - (b) advising on bilateral/multilateral agreements; and
 - (c) advising on consular matters;
- (7) advise on the discharge of the Central People's Government's international obligations in the HKSAR; and
- (8) coordinate the promotion of the Basic Law and oversee the running of the Basic Law Promotion Steering Committee Secretariat.

New Job Description

**Principal Assistant Secretary cum Administrative Assistant to the
Secretary for Constitutional Affairs
(following redistribution of PAS(CA)1's duties)**

Rank : Administrative Officer Staff Grade C (D2)/
non-civil service position at D2-equivalent

Responsible to : Secretary for Constitutional Affairs (SCA)

Main Duties and Responsibilities –

as Principal Assistant Secretary

- (1) advise on matters relating to the applicability of HKSAR laws to the Central People's Government offices in the HKSAR¹;
- (2) advise on matters relating to the adaptation of laws exercise¹;
- (3) advise on matters relating to the implementation of the Basic Law and maintain a database and research records on the Basic Law¹;
- (4) handle matters relating to the implementation of the accountability system¹;

as Administrative Assistant

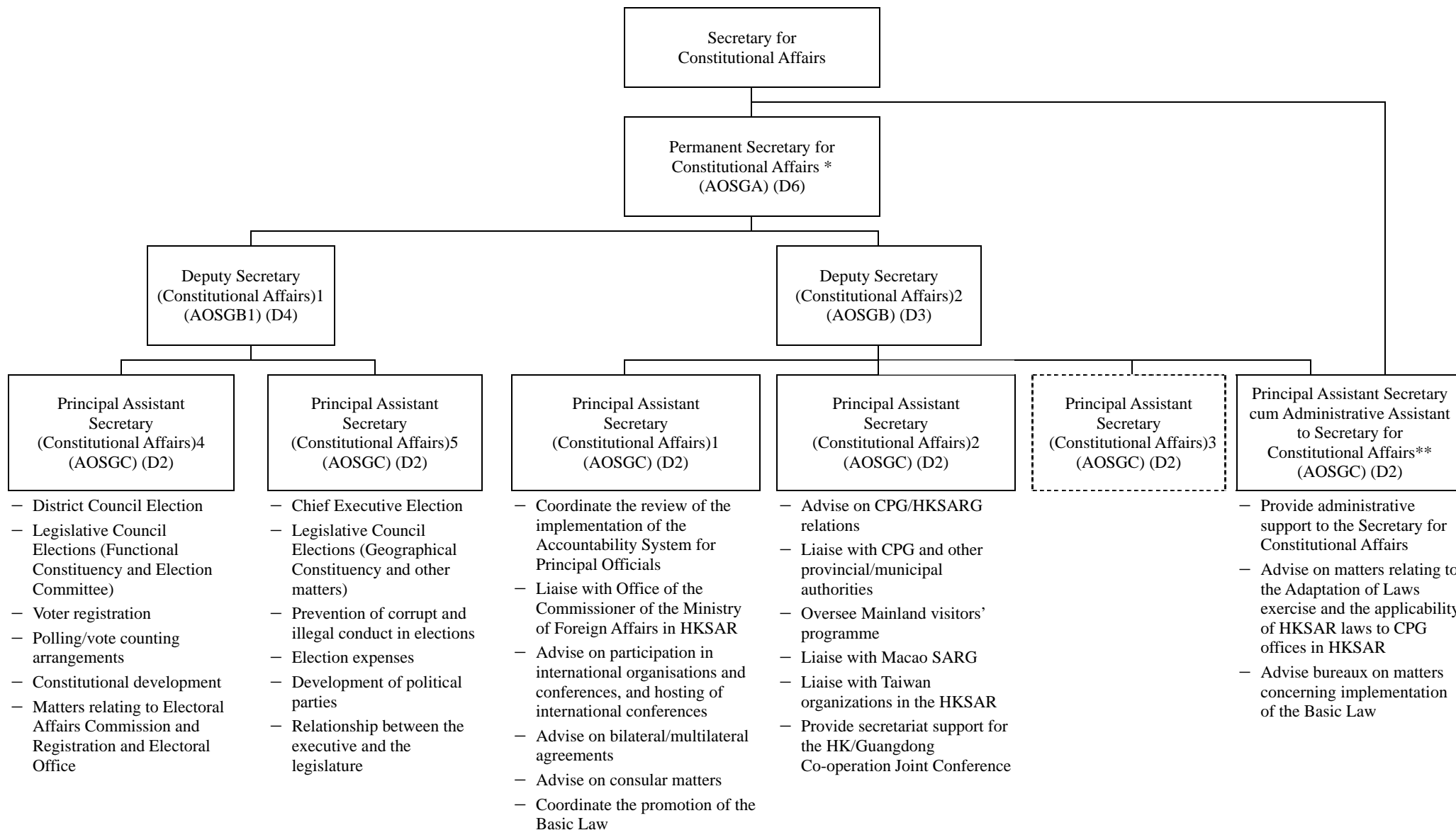
- (5) provide general administrative support to SCA;
- (6) coordinate submissions to SCA;
- (7) coordinate and handle replies to correspondence, including complaints, addressed to SCA;
- (8) in coordination with the Press Secretary to SCA, prepare speeches and statements to be delivered by SCA;

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¹ On these matters, the officer reports to the Deputy Secretary (Constitutional Affairs)².

- (9) plan SCA's programme of official visits and duty trips, both locally and overseas, coordinate the preparation of briefs for such visits and follow-up action as required;
- (10) plan meetings on various subjects, prepare briefs, and service meetings chaired by SCA; and
- (11) perform such other administrative duties as SCA may from time to time direct.

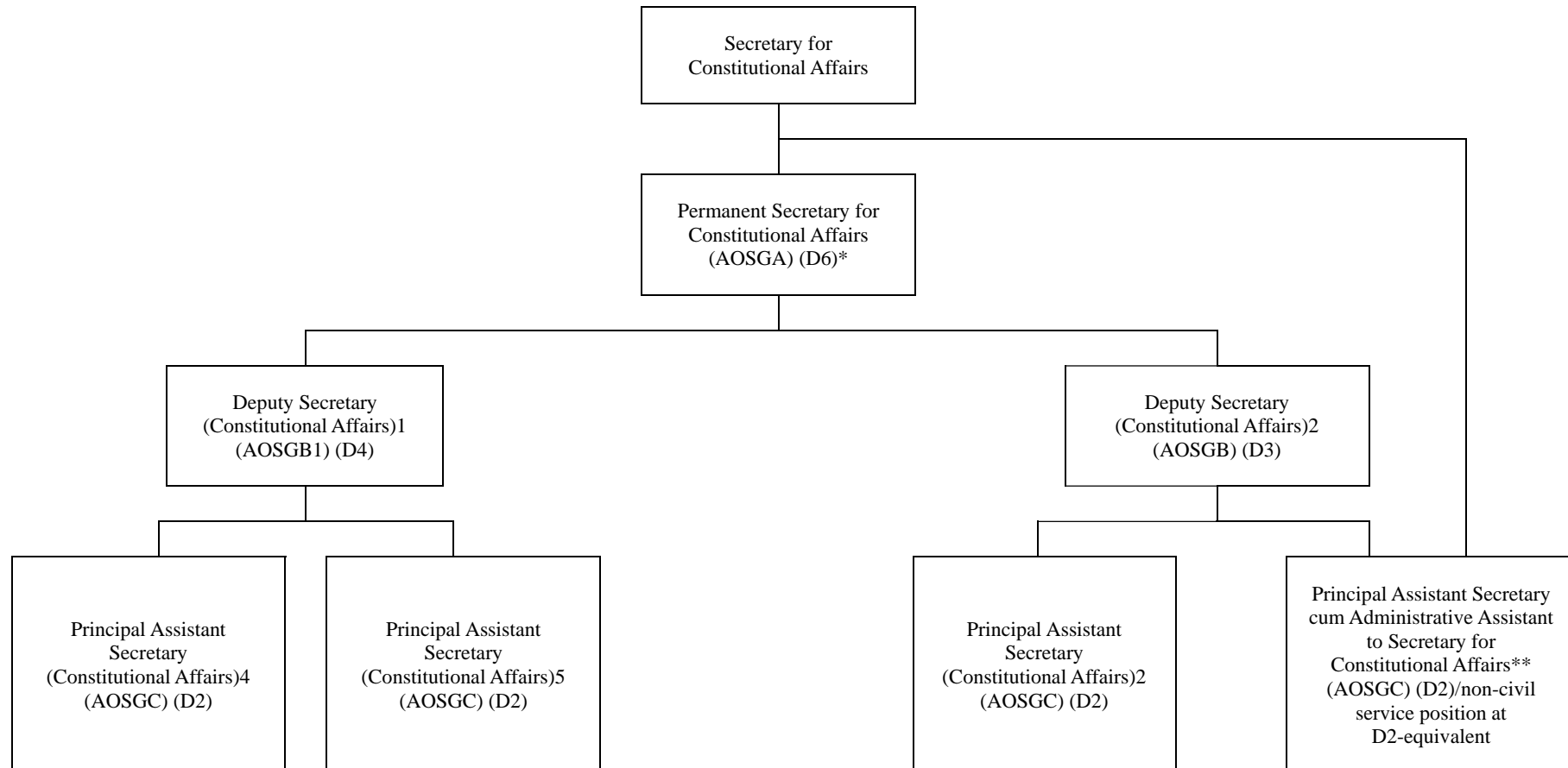
Existing Organisation Chart of Constitutional Affairs Bureau



* Post currently created on a supernumerary basis by holding against a vacant AOSGA1 (D8) post, pending review in light of experience.

** Post currently created on a supernumerary basis since 6 July 2002 by holding against the existing permanent post of PAS(CA)3.

Proposed Organisation Chart of Constitutional Affairs Bureau



* Post currently created on a supernumerary basis by holding against a vacant AOSGA1 (D8) post, pending review in the light of experience.

** Proposed creation of the PAS/AA to SCA post offset by the deletion of PAS(CA)3 post.

Note : PAS(CA)1 post to be deleted on 1 July 2003.