

## **ITEM FOR ESTABLISHMENT SUBCOMMITTEE OF FINANCE COMMITTEE**

### **HEAD 114 – OFFICE OF THE OMBUDSMAN Subhead 000 Operational expenses**

Members are invited to recommend to Finance Committee the deletion of the following permanent post in the Office of The Ombudsman with immediate effect –

1 Principal Executive Officer  
(D1) (\$92,650 - \$98,300)

### **PROBLEM**

Following full administrative and financial delinking of the Office of The Ombudsman (the Office) from the Government in December 2001, all the civil service posts should be deleted from the establishment of the Office.

### **PROPOSAL**

2. The Ombudsman proposes to delete one civil service Principal Executive Officer (PEO) post from the establishment of the Office.

### **JUSTIFICATION**

3. Prior to the delinking of the Office from the Government, the Office had been adopting civil service procedures and practices. Civil servants were seconded to fill most of the posts in the Office. On 19 December 2001, The Ombudsman (Amendment) Ordinance 2001 was enacted to, inter alia, ensure the full independence of the Office in terms of the Office's staff and financial management. Upon delinking, The Ombudsman has been phasing out the civil service posts in the Office and appointing her own contract staff.

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Encl. 4. The civil service PEO post was created in 1990 vide EC 1990-91 Item 17 mainly as the “Principal Investigator” responsible for both screening complaints and investigative work. The job description of the post is at Enclosure. Subsequent to the deletion of one civil service Deputy Ombudsman post and two civil service Assistant Ombudsman posts in January 2004 (vide EC(2003-04)14), the PEO post became the only remaining civil service directorate post in the Office. It is also the only civil service post remaining since all non-directorate civil service posts have been deleted by the end of 2004-05.

5. The last civil servant occupying the PEO post retired in 2004-05. Following her retirement, the Office implemented an organisational restructuring immediately. The duties of the PEO were assigned to other staff of the Office.

**FINANCIAL IMPLICATIONS**

6. The notional annual salary cost of the civil service PEO post at mid-point is \$1,144,200 and the full annual average staff cost, including salaries and staff on-cost, is \$1,570,000. The proposed deletion carries no implications for Government’s expenditure on the civil service, as the full staff costs have in any case been recoverable from the Office. Neither will it affect Government’s annual recurrent funding to the Office which is in the form of a block grant. The Ombudsman has autonomy in deciding how the approved funding, including savings arising from organisational restructuring, is to be used.

**ESTABLISHMENT CHANGES**

7. The establishment changes in respect of civil service posts in the Office for the last two years are as follows –

Establishment (Note)	Number of posts		
	As at 1 April 2005	As at 1 April 2004	As at 1 April 2003
A	1*	1	4
B	0	2	11
C	0	2	3
Total	1	5	18

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

\* – the civil service directorate post proposed for deletion

**CONSULTATION WITH LEGISLATIVE COUNCIL PANEL**

8. We informed the Legislative Council Panel on Administration of Justice and Legal Services of the proposal vide an information paper issued on 7 January 2005. Members did not have any comment on the deletion of the PEO post.

**CIVIL SERVICE BUREAU COMMENTS**

9. Having regard to the justification set out in paragraphs 3 to 5, the Civil Service Bureau supports the proposed deletion of one PEO civil service post from the establishment of the Office.

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

10. The deletion of the post, if approved, will be reported to the Standing Committee on Directorate Salaries and Conditions of Service.

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Office of The Ombudsman  
May 2005

**Job Description**  
**Principal Executive Officer**

**Rank** : Principal Executive Officer (D1)

**Responsible to** : Deputy Ombudsman

**Main Duties and Responsibilities –**

1. To be head of a direct investigation team comprising two Senior Investigation Officers and to assign and monitor their work.
2. To lead direct investigations, assessments on potential direct investigation targets, studies into the complaint handling systems of scheduled organisations and complex complaints; draft, where necessary, investigation/assessment/study reports, case summaries and press releases and to make appropriate recommendations/suggestions on remedial actions as well as to perform other related duties such as the preparation of and participation in relevant press conferences and complaint management workshop.
3. To scrutinise draft reports and related case summaries and press releases as well as other correspondence prepared by investigators.
4. To liaise with organisations and hold discussions with their representatives as necessary; interview complainants/witnesses; conduct site visits; handle public enquiries/complaints and to participate in community relations and outreaching activities.
5. To co-ordinate the compilation of progress reports and statistics on complaint management information and to perform other appropriate duties as assigned by senior officers.

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