

LC Paper No. CB(2) 602/04-05 (01)

For information

**Legislative Council
Panel on Administration of Justice and Legal Services**

**Deletion of a Principal Executive Officer Post
in the Office of The Ombudsman**

PURPOSE

This paper informs Members of the proposed deletion of one Principal Executive Officer (PEO) (D1) post from the Office of The Ombudsman (the Office).

PROPOSAL

2. Following full administrative and financial delinking of the Office from the Government in December 2001, the Office has been replacing civil service secondees by its own contract staff by phases. In accordance with the package arrangement, The Ombudsman proposes to delete one civil service 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. Since April 2001, the Office has replaced 77 civil service posts by contract staff appointed by The Ombudsman.

Encl. 1 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 1. 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 has been The Ombudsman's intention to phase out this and remaining non-directorate civil service posts by end of March 2005.

5. In April 2004, the civil servant last occupying the PEO post proceeded on pre-retirement leave and the Office implemented an organizational restructuring at the same time. The duties of the PEO were assigned to other staff of the Office. As the PEO post has since been left vacant, the question of redeployment in the civil service does not arise.

Encls. 2&3 6. The organisation charts of the Office before and after the restructuring are at Enclosures 2 and 3. As at 31 December 2004, apart from the civil service PEO post being proposed for deletion, there remains only one civil service non-directorate post which will be deleted within this financial year.

FINANCIAL IMPLICATIONS

7. 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, in \$1,653,204. The proposed deletion carries no implications for the 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 the

Government's annual funding to the Office which has been determined with reference to the full annual average staff costs for a notional civil service establishment. The Ombudsman has autonomy in deciding how the approved funding, including savings arising from organisational restructuring, is to be used.

ESTABLISHMENT CHANGES

8. 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			
	Existing (as at 31 December 2004)	As at 1 April 2004	As at 1 April 2003	As at 1 April 2002
A	1*	1	4	4+(1)
B	0	2	11	19
C	1**	2	3	21
Total	2	5	18	44+(1)

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
- () - number of supernumerary directorate post
- * - the civil service directorate post proposed for deletion
- ** - a non-directorate civil service post pending deletion in 2004-05

WAY FORWARD

9. The Ombudsman plans to submit the proposal to the Establishment Subcommittee in February 2005 for recommendation to the Finance Committee for approval.

**Administration Wing
Chief Secretary for Administration's Office
January 2005**

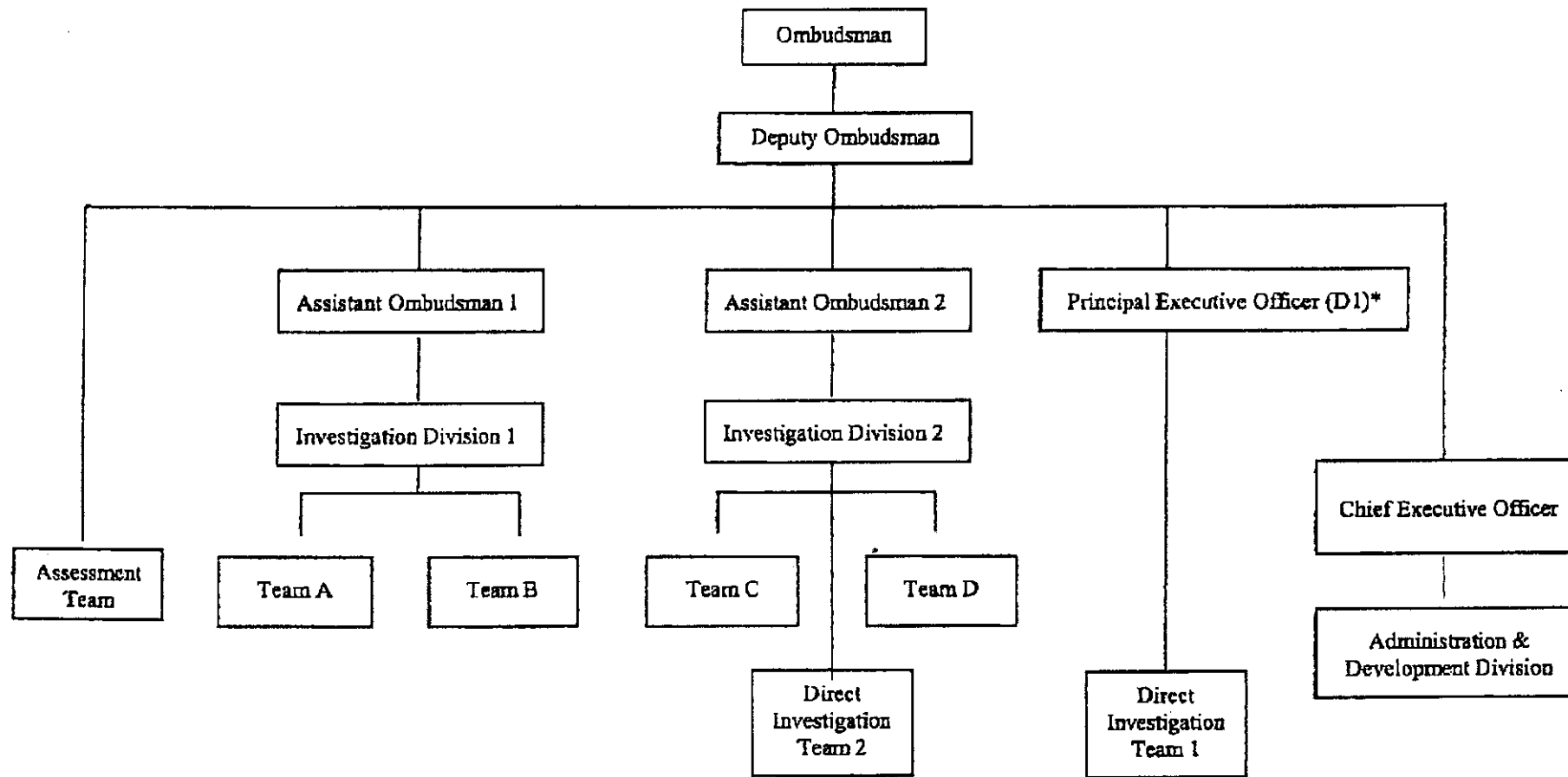
Enclosure 1**Job Description****Principal Executive Officer**

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 scrutinize 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.

Organisation Chart of the Office of The Ombudsman (Before restructuring in April 2004)

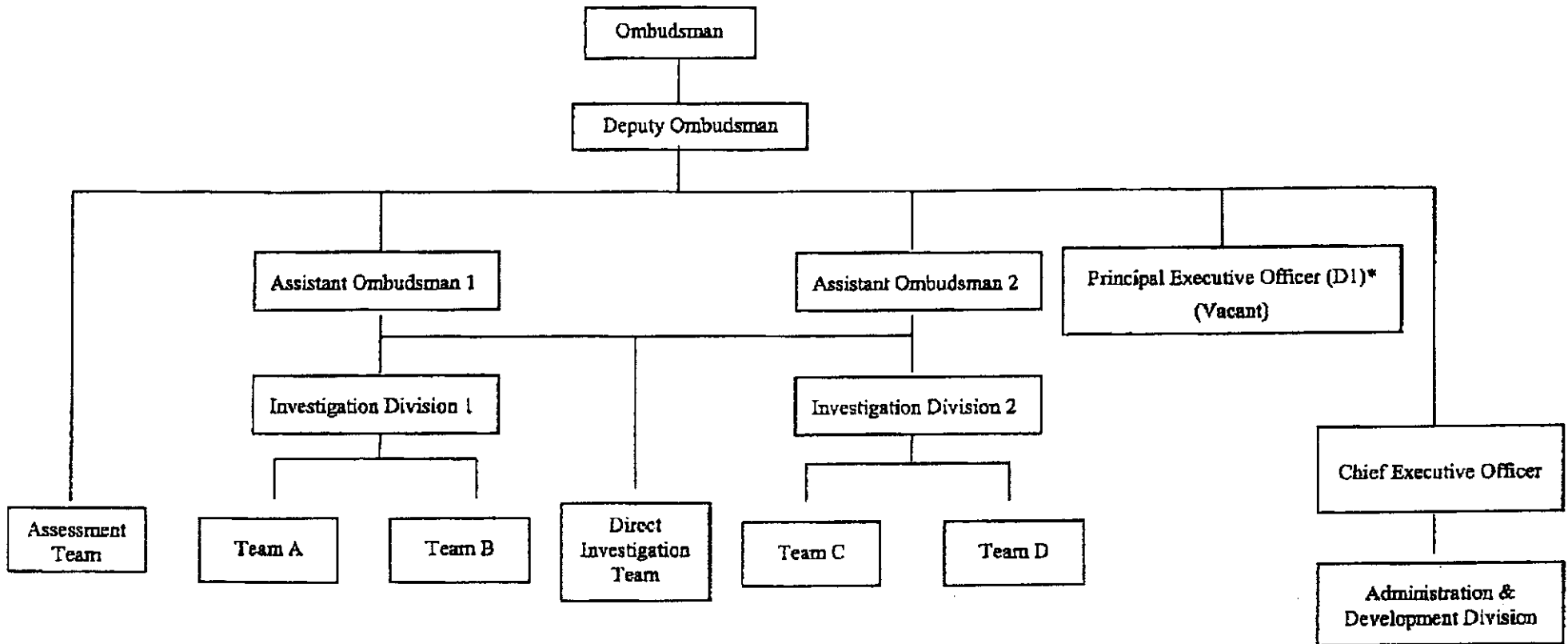


* Civil service directorate post proposed to be deleted.

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Existing organisation Chart of the Office of The Ombudsman



* Civil service directorate post proposed to be deleted.

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