

立法會
Legislative Council

LC Paper No. CB(1)293/05-06(04)

Ref: CB1/PL/PS

**Panel on Public Service
and Panel on Constitutional Affairs**

Joint meeting on 21 November 2005

**Background Brief
on the proposal to provide flexibility for filling existing directorate civil service
posts in the private offices of the Chief Secretary for Administration,
Financial Secretary and Secretary for Justice under the Accountability System**

Purpose

This paper sets out the background of the Administration's proposal to provide flexibility for filling existing directorate civil service posts in the private offices of the Chief Secretary for Administration (CS), Financial Secretary (FS) and Secretary for Justice (SJ) either by civil servants on posting or by direct appointment of staff on non-civil service contract terms under the Accountability System for Principal Officials (the Accountability System). It also gives a brief account of the views and concerns previously expressed by Members on a similar arrangement for filling administrative support posts in the private offices of Directors of Bureau (DoBs).

Background

2. On 17 April 2002, the Administration announced its plan for implementing a new Accountability System with effect from 1 July 2002 when the second term Chief Executive assumed office. The major feature of the proposal was the appointment of 14 principal officials, including three Secretaries of Department (i.e. CS, FS and SJ) and 11 DoBs, on contract terms and amalgamation of the various policy portfolios under the DoBs. The Subcommittee to Study the Proposed Accountability System for Principal Officials and Related Issues (the Subcommittee) was set up by the Legislative Council (LegCo) in April 2002 to discuss the proposal.

3. Among the package of proposed measures for implementing the Accountability System, the Administration proposed to provide each DoB with

administrative support staff comprising an Administrative Assistant (AA) (equivalent to Administrative Officer Staff Grade C (AOSGC) (D2)), a Press Secretary (equivalent to Chief Information Officer (MPS 45-49)), a Personal Assistant (MPS 28-33) and a Personal Chauffeur (MPS 5-10). The positions could either be filled by civil servants on postings or by way of direct appointment. In the latter case, the appointments would be made on non-civil service contract terms and their tenure would be the same as that of the principal official concerned. During their appointments in the Government, they would receive salary, fringe benefits, and gratuity similar to and no better than those prevailing for the equivalent ranks in the civil service. They would be subject to the Civil Service Regulations and requirements on conduct and avoidance of conflict of interest. Nevertheless, the proposal mentioned above did not cover the offices of CS, FS and SJ, as they had already been provided with a similar complement of administrative staff at that time.

4. The staffing proposals for the implementation of the Accountability System were endorsed by the Establishment Subcommittee (ESC) on 6 June 2002 and approved by the Finance Committee (FC) on 14 June 2002. As undertaken at the ESC meeting on 6 June 2002, the Administration subsequently put forward staffing proposals, at various meetings in the 2002-03 legislative session, to seek ESC's endorsement and FC's approval on the AA posts in the offices of the 11 DoBs. In brief, the creation of the AA posts in various bureaux were either offset by deletion of posts of equivalent ranking in the same bureaux or dealt with as part of an overall package of bureau and department re-organization. A table showing the creation of the AA posts concerned is in **Appendix I**.

Major views and concerns previously expressed by Members

5. During deliberations at the Subcommittee meetings on 17, 21 and 31 May 2002 and ESC meeting on 6 June 2002, some Members expressed concern on the arrangement for DoBs to appoint their administrative support staff from outside the civil service. They were concerned whether the arrangement would lead to deletion of civil service posts and staff redundancy in the corresponding ranks, e.g. Information Officers, and the impact of the arrangement on the working relationship between the personal staff and civil servants. A Member was also concerned that the proposed arrangement would politicize the new system, as similar posts were originally filled by civil servants.

6. The extracts of the minutes of the relevant meetings of the Subcommittee and ESC are in **Appendices II, III, IV and V**.

Administration's current proposal

7. The Administration's current proposal is to provide the same flexibility in the appointment of administrative support staff in the private offices of CS, FS and SJ in

line with that of the DoBs. The Administration intends to submit the proposal to ESC for its consideration at the meeting on 7 December 2005.

Relevant papers

8. A list of relevant papers is in **Appendix VI**.

Council Business Division 1
Legislative Council Secretariat
15 November 2005

Appendix I

Administrative Assistant Posts

Bureau	Proposal	ESC Paper	Date of ESC's Discussion	Remarks
EMB	Creation of AA post	EC(2002-03)6	20.11.2002	Dealt with as part of overall package of bureau and department reorganization
HPLB	Creation of AA post	EC(2002-03)7	20.11.2002	Dealt with as part of overall package of bureau and department reorganisation
ETWB	Creation of AA post, offset by deletion of an AOSGC post in the bureau	EC(2002-03)8	11.12.2002	—
CITB	Creation of AA post, offset by deletion of an AOSGC post in the bureau	EC(2002-03)9	11.12.2002	—
CSB	Creation of AA post	EC(2003-04)1	21.5.2003	Dealt with as part of overall package of bureau and department reorganisation
SB	Creation of AA post, offset by deletion of an AOSGC post in the bureau	EC(2003-04)3	21.5.2003	—

Bureau	Proposal	ESC Paper	Date of ESC's Discussion	Remarks
HWFB	Creation of AA post, offset by deletion of an AOSGC post in the bureau	EC(2003-04)4	11.6.2003	—
HAB	Creation of AA post, offset by deletion of an AOSGC post in the bureau	EC(2003-04)5	11.6.2003	Dealt with as part of savings measures at directorate level in the bureau
EDLB	Creation of AA post	EC(2003-04)7	11.6.2003	Dealt with as part of overall package of bureau and department reorganisation
CAB	Creation of AA post, offset by deletion of an AOSGC post in the bureau	EC(2003-04)8 (revised)	11.6.2003	Dealt with as part of savings measures at directorate level in the bureau
FSTB	Creation of AA post and the deletion of Principal Valuation Surveyor (D1) post in Rating and Valuation Department	EC(2003-04)9	11.6.2003	Dealt with as part of overall package of reorganisation Net additional staff cost of \$0.244 million in terms of full annual average staff cost covered by savings in EC(2002-03)10

Note

Bureaux

CAB	Constitutional Affairs Bureau
CITB	Commerce, Industry and Technology Bureau
CSB	Civil Service Bureau
EDLB	Economic Development and Labour Bureau
EMB	Education and Manpower Bureau
ETWB	Environment, Transport and Works Bureau
FSTB	Financial Services and the Treasury Bureau
HAB	Home Affairs Bureau
HPLB	Housing, Planning and Lands Bureau
HWFB	Health, Welfare and Food Bureau
SB	Security Bureau

(*Source*: Enclosure 3 to ECI(2003-04)2, Note for ESC on “Creation and deletion of directorate posts after implementation of the Accountability System”.)

**Extract from the minutes of meeting
of the Subcommittee to Study the Proposed
Accountability System for Principal Officials and Related Issues
on 17 May 2002**

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23. Mr HUI Cheung-ching and Mr Kenneth TING enquired about the terms and conditions of appointment for the administrative support staff of the principal officials. They asked whether additional resources would be required. Ms LI Fung-ying enquired whether these personal support staff would have to leave if the principal officials concerned left their office before completion of the employment contract.

24. DS(CA)SD said that the Administration envisaged that the administrative support staff would most likely be redeployed from amongst existing staff, and no additional resources would be required.

25. DS(CS) added that if the administrative support staff for individual principal officials were recruited from outside the civil service, the appointments would be made on contract terms which would be in line with those of the civil servants. Their contracts would include a clause that their tenure would be the same as that of the principal officials concerned, which meant they would depart as and when the principal officials concerned left the Government. The Government would act in accordance with the relevant provisions in the Employment Ordinance. During their appointment in the Government, they would be subject to the civil service regulations and the requirements on conduct and avoidance of conflict of interest.

26. Ms LI Fung-ying asked whether appointing the administrative support staff, e.g. the press secretary for individual principals officials, from outside the civil service would lead to deletion of civil service posts and staff redundancy in the corresponding ranks, e.g. Information Officers. She also expressed concern about the working relationship between these personal staff and the civil servants. DS(CS) said that she did not envisage any staff redundancy in this respect as these posts would likely be filled by staff deployment within the civil service. Nevertheless, the Administration would carefully assess the impact on the civil servants.

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**Extract from the minutes of meeting
of the Subcommittee to Study the Proposed
Accountability System for Principal Officials and Related Issues
on 21 May 2002**



Administrative support

15. Ms Emily LAU noted that each Director of Bureau would be provided with administrative support staff, including an administrative assistant pitched at D2 level, who could either be filled by a civil servant or by way of direct appointment. Ms LAU considered that the proposed arrangement would politicise the new system, as similar posts were at present filled by civil servants.

16. DS(CA)(SD) reiterated that the arrangement was to provide flexibility for the principal official concerned to recruit his administrative support staff, if necessary. Deputy Secretary for Civil Service (DS(CS)) added that these support staff would be subject to the civil service regulations and requirements on conduct and conflict of interest during their term of office.



**Extract from the minutes of meeting
of the Subcommittee to Study the Proposed
Accountability System for Principal Officials and Related Issues
on 31 May 2002**



Administrative support for Directors of Bureau

31. Mr LEE Cheuk-yan expressed concern that some staff of the relevant grades in the civil service, for instance, the Information Officers, might be redundant, as the Directors of Bureau could recruit their office staff from outside the civil service and offer them employment package less favourable than that of the civil servants.

32. DS(CS)1 responded that the Administration did not envisage any staff redundancy problem arising from the flexibility given to Directors of Bureau to recruit their office staff from outside the civil service, if they so preferred. Instead, she said it was expected that most of these positions would be filled by civil servants. In addition, the management did have the flexibility to post staff to different departments. She further said that there was no question of cost-saving for the Directors of Bureau to recruit their office staff from outside the civil service, as staff taking up the non civil service positions would receive salary, fringe benefits and gratuity similar to and no better than those prevailing for the equivalent ranks in the civil service.

33. Mr Andrew WONG expressed concern that the administrative assistant (a D2 post) to the Director of Bureau could exert undue influence on the work and promotion prospect, etc. of civil servants, and requested the Administration to consider drawing up rules to set out the working relationship between the administrative staff and civil servants. SCA responded that at present, both CS and FS were each provided with an administrative assistant. The arrangement had been working well and problems, as envisaged by Mr WONG, had never emerged.



**Extract from the minutes of meeting
of Establishment Subcommittee of the Finance Committee
on 6 June 2002**



Administrative support for Directors of Bureau

19. Mr Andrew WONG was dissatisfied that the discussion paper did not contain any information about the estimated staff cost required to provide the complement of administrative support staff (i.e. an administrative assistant pitched at the equivalent rank of Administrative Officer Staff Grade C (D2), a press secretary, a personal assistant and a driver) for each Director of Bureau. Citing the current TOR of ESC which required that proposals in relation to the “creation, redeployment and deletion of permanent and supernumerary posts remunerated at the directorate pay scales” should be submitted to ESC for consideration, he questioned whether it was in order for the Administration to arrange for the temporary redeployment of D2 posts within the respective bureaux to fill the proposed Administrative Assistant positions under delegated authority.

20. In response, SCA confirmed that the provisions for the complement of administrative staff would be absorbed within existing financial resources. While temporary redeployment would be arranged by the Administration under delegated authority, ESC’s endorsement and FC’s approval would be sought on the longer term arrangements as necessary. SCS further advised that the additional full annual average staff cost for providing administrative support to the 11 Directors of Bureau was estimated to be in the region of \$57 million. He assured members that the principal officials would review the working relationship between the bureaux and departments as well as the staffing and structure of their policy bureaux upon their assumption of duties. When reporting the outcome of the review, the Administration would also inform members of the long-term arrangement for these positions.

21. Mr Andrew WONG maintained his view that although the additional staff costs required might be absorbed through existing financial resources, the Administration still had a duty to submit proposals involving the redeployment of permanent and supernumerary directorate posts to ESC/FC for scrutiny in line with the established practice and procedure.



**Proposal to provide flexibility for filling existing directorate civil service posts
in the private offices of the Chief Secretary for Administration,
Financial Secretary and Secretary for Justice under the Accountability System**

**List of relevant papers
(Position as at 15 November 2005)**

Paper	LC Paper No.
Paper on “Accountability System for Principal Officials” provided by the Administration for the LegCo meeting on 17 April 2002	—
Minutes of meeting of the Subcommittee to Study the Proposed Accountability System for Principal Officials and Related Issues on 17 May 2002	CB(2)2858/01-02 <i>(paragraphs 23 to 26)</i>
Minutes of meeting of the Subcommittee to Study the Proposed Accountability System for Principal Officials and Related Issues on 21 May 2002	CB(2)2736/01-02 <i>(paragraphs 15 and 16)</i>
Minutes of meeting of the Subcommittee to Study the Proposed Accountability System for Principal Officials and Related Issues on 31 May 2002	CB(2)501/02-03 <i>(paragraphs 31 to 33)</i>
The Administration’s response to issues raised at the Subcommittee meeting on 31 May 2002	CB(2)2206/01-02(02)

Paper	LC Paper No.
Paper provided by the Administration on staffing proposals to facilitate the implementation of the Accountability System	EC(2002-03)2 <i>(considered at the ESC meeting on 6 June 2002)</i>
Minutes of ESC meeting on 6 June 2002	ESC41/01-02 <i>(paragraphs 19 to 21)</i>
Report of the Subcommittee to Study the Proposed Accountability System for Principal Officials and Related Issues	CB(2)2171/01-02 <i>(considered at the House Committee meeting on 7 June 2002)</i>
Note for ESC on “Creation and deletion of directorate posts after implementation of the Accountability System”	ECI(2003-04)2