

立法會
Legislative Council

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

**Minutes of joint meeting
held on Monday, 21 November 2005 at 9:00 am
in the Chamber of the Legislative Council Building**

Members present : Members of the Panel on Public Service

- Hon TAM Yiu-chung, GBS, JP (Chairman)
- * Hon LI Fung-ying, BBS, JP (Deputy Chairman)
- * Hon LEE Cheuk-yan
- * Hon CHEUNG Man-kwong
- * Hon Bernard CHAN, JP
- * Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
- * Hon Howard YOUNG, SBS, JP
- Hon WONG Kwok-hing, MH
- * Hon KWONG Chi-kin

Members of the Panel on Constitutional Affairs

- Dr Hon LUI Ming-wah, SBS, JP (Chairman)
- Hon Jasper TSANG Yok-sing, GBS, JP (Deputy Chairman)
- Hon James TIEN Pei-chun, GBS, JP
- Hon Albert HO Chun-yan
- Hon Martin LEE Chu-ming, SC, JP
- Hon Margaret NG
- Hon CHAN Kam-lam, SBS, JP
- Hon WONG Yung-kan, JP
- Hon Emily LAU Wai-hing, JP
- Hon Timothy FOK Tsun-ting, GBS, JP
- Hon Abraham SHEK Lai-him, JP
- Hon Audrey EU Yuet-mee, SC, JP
- Hon LEUNG Kwok-hung

Dr Hon KWOK Ka-ki
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
Hon Patrick LAU Sau-shing, SBS, JP
Hon TAM Heung-man

(* Also members of the LegCo Panel on Constitutional Affairs)

Members absent : Member of the Panel on Public Service

Hon James TO Kun-sun

Members of the Panel on Constitutional Affair

Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Dr Hon David LI Kwok-po, GBS, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon LEUNG Yiu-chung
Dr Hon Philip WONG Yu-hong, GBS
Dr Hon YEUNG Sum
Hon LAU Chin-shek, JP
Hon LAU Kong-wah, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon CHOY So-yuk, JP
Hon LEE Wing-tat
Hon Daniel LAM Wai-keung, BBS, JP
Hon MA Lik, GBS, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon Fernando CHEUNG Chiu-hung
Hon CHIM Pui-chung

Public officers attending : Agenda Items II and III

Mr Joseph W P WONG, GBS, JP
Secretary for the Civil Service

Miss Jennifer MAK, JP
Deputy Secretary for the Civil Service (1)

Agenda Item II

Mr Andrew WONG Ho-yuen, JP
Permanent Secretary
Chief Executive's Office

Ms Angelina KWAN Yuen-yee
Senior Administrative Officer
Chief Executive's Office

Mrs Magdalen WONG TSE Bing-sum
Chief Executive Officer (Administration)
Chief Executive's Office

Agenda Item III

Mrs Susan MAK
Deputy Director of Administration 1

Miss Annie TAM
Director of Administration & Development
Department of Justice

Ms Doris HO
Principal Assistant Secretary for Constitutional Affairs

Clerk in attendance : Miss Salumi CHAN
Chief Council Secretary (1)5

Staff in attendance : Ms Rosalind MA
Senior Council Secretary (1)8

Ms Guy YIP
Council Secretary (1)1

Ms May LEUNG
Legislative Assistant (1)8

I. Election of Chairman

Mr TAM Yiu-chung was elected chairman of the joint meeting.

II. Reorganization of the Chief Executive's Office

(LC Paper No. CB(1)293/05-06(01) — Paper provided by the Administration

LC Paper No. CB(1)293/05-06(02) — Background brief prepared by the Legislative Council Secretariat)

Overall directorate establishment position

2. Given the agreement reached by the Cross Party Coalition in early 2002 that the number of directorate posts in the civil service should be maintained at the 2002-03 level in order to contain public expenditure, and that Agenda Items II and III were related to the Administration's proposals to create directorate posts, the Chairman invited Ms LI Fung-ying, Chairman of the Establishment Subcommittee (ESC), to brief members on the outcome of the internal discussion recently held on how the scrutiny of directorate staffing proposals should be taken forward.

3. Ms LI Fung-ying advised that, during an internal discussion among Members of the various political parties and groups held on 18 November 2005, it was agreed that the Administration should be requested to provide an information paper on the overview of the directorate establishment position from the present up to the end of the current term of the government in June 2007 so as to facilitate Members' consideration of directorate staffing proposals to be submitted in the 2005-06 and 2006-07 sessions. In view of the Administration's plan to submit directorate staffing proposals to ESC for its meeting on 7 December 2005, Ms LI requested the Administration to provide the information paper to ESC before the meeting, setting out details of the directorate posts to be created and/or deleted in the 2005-06 and 2006-07 sessions, including the number and ranking of the directorate posts concerned. She pointed out that ESC would consider each directorate staffing proposal on the basis of the merits and justifications of the case, having regard to the overall directorate establishment position.

4. In response, the Secretary for the Civil Service (SCS) stressed that in putting forward directorate staffing proposals, the Administration had all along been upholding the principle that such proposals must be made on the basis of operational needs. As mentioned at the meeting of the Panel on Public Service on 17 October 2005, from the initial estimation that the Civil Service Bureau (CSB) gathered from the policy bureaux concerned, the additional manpower resources required for meeting the changed needs arising from the implementation of the various new

initiatives in the Chief Executive (CE)'s Policy Address and other on-going initiatives in the 2005-06 session would amount to about 12 permanent directorate posts. Moreover, the creation of some supernumerary directorate posts as well as some non-directorate posts would be required to meet the operational needs. SCS explained that as it would take time to collate the information to be provided by relevant Heads of Department/Directors of Bureau (DoBs) on the detailed staffing requirements arising from the new initiatives, CSB would only be able to provide in January 2006 the required information paper with the number, types and ranking of the directorate posts to be created and/or deleted.

5. Ms Emily LAU supported Ms LI Fung-ying's request. She urged SCS to provide the required information as soon as possible so that Members could have a clear picture on the overall directorate establishment position in assessing the implication of the upcoming directorate staffing proposals on the agreement previously reached by Members on capping the directorate establishment at 1 488 posts.

6. Mr CHEUNG Man-kwong said that Members of the Democratic Party supported Ms LI Fung-ying's request. Mr CHEUNG pointed out that without an overview of the directorate establishment position, it would be difficult for Members to monitor changes in the size of directorate establishment. He also stressed that the Administration should not attempt to lobby support of Members on individual staffing proposals without first providing Members with the full picture on the number of directorate posts to be created and/or deleted, in particular, the purpose of creation of the posts and reasons for not deleting the same number of posts. Mr CHEUNG was of the view that if the detailed information on the creation and/or deletion of posts would only be available until January 2006, the Administration should not submit any staffing proposal to ESC before then. Ms Emily LAU supported his view.

7. In response, SCS clarified that the size of the directorate establishment, like that of the total civil service establishment, had been under strict control, with significant reduction in the past few years. The civil service establishment had been reduced from the peak of 198 000 in early 2000 to 164 400 in August 2005. The directorate establishment had also been reduced by 63 permanent posts from 2002 to 2005. However, it was considered necessary to create new directorate posts to implement the new initiatives mentioned in the Policy Address. Given that some of the relevant staffing proposals were yet to be finalized by the bureaux concerned, CSB would provide, before the ESC meeting on 7 December 2005, an information paper based on the initial estimations of the bureaux concerned.

(Post-meeting note: The information paper was issued to members of ESC and other Members vide LC Paper No. ESC8/05-06 on 1 December 2005.)

Directorate staffing proposals related to the reorganization of the CE's Office

8. The Chairman pointed out that according to the agreed arrangement between the Legislative Council (LegCo) and the Administration, the Administration was required to provide a paper for a discussion item at least five clear days before the relevant Panel meeting. For this discussion item, the Administration had missed the agreed deadline (i.e. 14 November) by one day. In accordance with the agreement at the House Committee meeting on 26 November 2004, the Chairman consulted members' views on whether the item should be discussed or removed from the agenda. Members agreed that the item be discussed at this meeting.

Briefing by the Administration

9. At the invitation of the Chairman, the Permanent Secretary, CE's Office (PS/CE's Office) briefed members on the proposed creation of posts arising from the reorganization of the CE's Office. He pointed out that as stated in the Policy Address delivered on 12 October 2005, CE had decided that reorganization of his Office was urgently needed to enable him to discharge his duties properly to achieve effective and strong governance. In this connection, there was a need to strengthen the senior directorate support of the CE's Office. Specifically, CE needed enhanced support in policy formulation, delivery of pledges made in the Policy Address, enhancing communication with the Executive Council (ExCo), the LegCo, the Commission on Strategic Development and various sectors in the community, gauging public sentiment and securing community support for the Government and its policies and programmes. Under the current structure, the Director, CE's Office (DCEO) was the head of the CE's Office and was responsible for a wide range of functions including liaison and coordination on policy issues with members of the political team; overseeing the running of the CE's Office and the ExCo Secretariat; and undertaking the role as the information coordinator in the Government. Based on past experience, in practice, the range of work under DCEO's charge was too wide for one person to handle effectively, as the volume was large and the nature of work involved demanded a range of skills and experience rarely found in one individual. The Administration therefore proposed the creation of two directorate posts for the reorganization of the CE's Office, as follows:

- (a) A permanent post of Administrative Officer Staff Grade A (AOSGA) (D6) designated as Permanent Secretary, CE's Office; and
- (b) A new rank and permanent post/non-civil service position at the rank of D4, designated as Information Coordinator (IC) under the CE's Office.

Justifications and cost implications of the proposal

10. Given that the CE's Office was currently provided with senior staffing support of a DCEO and an Assistant Director (Media) (AD(M)), Mr LEE Cheuk-yau

queried the justifications for creating two additional directorate posts at an annual staff cost of over \$5 million. Ms Emily LAU expressed similar concern. She was also not convinced of the need to make the Senior Special Assistant a permanent non-civil service position at the equivalent civil service rank of D2 under the establishment of the CE's Office.

11. Mr LEUNG Kwok-hung also queried the justifications for the proposed two directorate posts and called upon all Members not to approve funds for the creation of the posts. Given that the current term of office of the CE would only last until June 2007, Mr LEUNG considered that it was not the right time for reorganizing the CE's Office. He was also concerned that the purpose for creating the proposed posts might be to facilitate CE's liaison with political groups to pave way for his re-election. Miss TAM Heung-man queried why the proposed posts were not required during the term of office of the previous CE.

12. In reply, PS/CE's Office explained that based on past experience and having examined the current manpower position of the CE's Office, the Administration considered it necessary to strengthen the directorate staffing support to CE so that there would be dedicated senior officers overseeing the different areas of work. Moreover, it was necessary to reorganize the CE's Office to assist CE in achieving his vision of strong governance. The staffing proposal was made on this basis, and the directorate staff concerned would have nothing to do with any re-election campaign, even if and when the CE decided to seek re-election.

13. Mr LEE Cheuk-yan was concerned whether there would be any overlap in the duties and responsibilities of the proposed PS/CE's Office post and those of the existing DCEO post. Referring to the revised job description of DCEO in Enclosure 6 of the paper provided by the Administration, Mr LEE considered that there was obvious overlap in three of the four major duties of DCEO with either those of the PS/CE's Office or the Central Policy Unit. As for the first major duty (i.e. to liaise with various political parties and groups, the LegCo, the Commission on Strategic Development and its members, representatives from various sectors of the community and district personalities, and secure their support for the Government's work), it appeared that the liaison work involved would assist the CE in paving the way for his re-election. Moreover, Mr LEE was of the view that the duty of the proposed PS/CE's Office post in keeping track of the progress of policy implementation was already undertaken by the Chief Secretary for Administration (CS).

14. In response, PS/CE's Office explained that it was necessary for the PS/CE's Office post to provide support to CE in the process of making decisions on major policies and keeping track of policy implementation, while CS would coordinate policy formulation and implementation under various bureaux. As for the duties of DCEO, PS/CE's Office advised that the duties listed in the revised job description of DCEO were all existing functions of DCEO under the current structure. The duties of the PS/CE's Office and the DCEO in relation to policy formulation and

implementation would not overlap as the former would be responsible for coordination within the civil service structure while the latter would be responsible for liaison with Principal Officials. The proposed reorganization of the CE's Office aimed to provide senior directorate support to the CE so that the DCEO could devote more time in the liaison with political groups, LegCo, district personalities and key opinion-formers in various sectors of the community. The liaison work would facilitate the CE's Office in gauging aspiration and views of the LegCo and the public on major government policies.

15. Mr LEE Cheuk-yan and Mr WONG Kwok-hing expressed concern about the operational need for the IC post, given that the Media Section of the CE's Office was currently headed by AD(M), which was a D2 post on loan from the Information Services Department (ISD). They doubted whether there was any overlap in the duties and responsibilities of the proposed IC post and those of the existing AD(M) post. Mr WONG also recalled that an IC post had been created in the CE's Office in 1998 but the post was not effective in strengthening the public relation (PR)-related work of the Office. He therefore sought information on measures to be put in place for monitoring and assessing the effectiveness of the work of the proposed IC post.

16. PS/CE's Office explained that under the current staffing structure, the Director of Information Services had to be roped in, on many occasions, to help steer the Government's overall PR strategy in addition to her duties as the Head of ISD. This, in the Administration's view, was not sustainable and would impair ISD's services and programmes. The creation of an IC post was proposed to strengthen the communication and PR-related work of the CE's Office and to ensure that PR strategies for major government policies and programmes would be effectively formulated and implemented in a timely and coordinated manner. PS/CE's Office pointed out that in the past two years, there was tremendous amount of communication and PR-related work such as planning and implementing CE's speaking engagements, overseas visits, community visits and press conferences etc. In 2005, over 80 visits/press conferences had been arranged by the CE's Office. The CE's Office needed a dedicated person at the senior directorate level to formulate and coordinate the work in these aspects. To cope with the workload involved in the arrangement and implementation of the public functions and visits, as well as the handling of press and public enquiries, the IC had to be underpinned by the AD(M) and other staff in the Media Section.

17. Miss TAM Heung-man expressed concern about the cost implications for the creation of the additional posts. Pointing out that the Government was still facing the fiscal deficit problem and that the current government expenditure was at the level of 20% of the Gross Domestic Product (GDP) of Hong Kong, exceeding the international standard, Miss TAM opined that the Government should try to reduce its expenditure. In response, PS/CE's Office said that while the Financial Secretary (FS) had undertaken on a number of occasions to maintain the level of government expenditure within 20% of GDP, the current staffing proposal would not have any impact on such an undertaking.

Terms of appointment of the proposed IC post

18. Noting that the proposed IC post could be filled by direct appointment on non-civil service contract (NCSC) terms, Ms LI Fung-ying was concerned whether an officer appointed from outside the civil service would have sufficient knowledge about the Government's internal operation to perform his duties effectively.

19. PS/CE's Office responded that the proposed IC post could be filled by civil servants on posting or by way of direct appointment to a non-civil service position. By allowing flexibility in making appointment on NCSC terms, the Administration hoped to identify a suitable candidate with working experience in other media organizations who would be wholly familiar with the operation and key personalities of the mass media community. The media working experience outside the Government would facilitate the IC in his communication and PR-related work. The post could also be filled by civil servant on posting if no suitable candidate with outside experience could be identified. As the IC would be underpinned by civil servants including AD(M) and other officers in the Media Section, these supporting staff could contribute to the PR-related work of the CE's Office with their experience and knowledge in government operation.

20. As the person taking up the non-civil service position of the IC would depart as and when the incumbent CE left the Government, Ms LI was also concerned whether additional public expenses would be involved for compensation in the event of early termination of the service contract. In reply, PS/CE's Office advised that the terms of the NCSC contract would provide for the termination of contract with advance notice (normally one month) and no additional expenses would be incurred for compensation in this respect.

Engagement of consultancy services for PR-related work

21. Mr Howard YOUNG appreciated the need to enhance communication and PR-related work of the CE's Office and considered this conducive to achieving effective governance. Referring to the private sector practice of engaging PR firms to undertake individual projects, Mr YOUNG enquired whether the Government would make use of the talents and services outside the civil service for implementation of specific programmes or projects.

22. In reply, PS/CE's Office said that ISD was responsible for publicity programmes and liaison with the media for dissemination of information on government policies and announcements. The staff of ISD maintained close liaison with the media and possessed expertise and experience in PR-related work. With the creation of the IC post, it was envisaged that the CE's Office would be able to cope with the daily communication and PR-related work with the support of ISD. Nevertheless, the Government would commission outside PR consultants to meet special operational needs, where circumstances justified.

Enhancing the communication between the CE's Office and Members of the LegCo

23. Ms Emily LAU was of the view that CE should seek to enhance communication with the LegCo so as to achieve strong governance. She was disappointed to note that despite CE's vision of strong governance and emphasis on enhancing communication with the LegCo in his Policy Address, he would only attend four CE's Question and Answer (Q and A) Sessions at the LegCo each year. Ms LAU pointed out that in the absence of sincerity on the part of CE to enhance communication with the LegCo, creation of additional directorate posts in his Office was not only costly but also ineffective. She was concerned whether the CE's Office had any concrete plans to make improvements in this regard.

24. Mr CHEUNG Man-kwong shared Ms Emily LAU's view. He recalled that the Administration had justified its proposal for the creation of the DCEO post in 2002 with the need for enhancing communication with the LegCo. However, no improvements had been made in this regard in the past few years after the creation of the post. Mr CHEUNG was of the view that unless CE attached importance to strengthening communication with the LegCo, creation of additional directorate posts in the CE's Office would not improve the current situation.

25. PS/CE's Office responded that in addition to attending the regular Q and A Sessions, CE would be willing to attend additional sessions to discuss specific issues of particular interests. CE had conveyed in his letter to the House Committee Chairman his willingness to meet more frequently with the LegCo. With the creation of the proposed posts, DCEO would dedicate his efforts to assisting CE in political work and would be able to strengthen the liaison with various political parties and groups, including the LegCo.

26. Ms Emily LAU further enquired whether a standing mechanism would be established for the DCEO to meet regularly, for example, monthly, with LegCo Members of different political parties and groups to exchange views on government policies and issues of mutual concern. Mr CHEUNG Man-kwong and Mr LEE Cheuk-yan expressed similar concerns. Mr CHEUNG stressed that the Administration should set out the concrete plans and measures for the DCEO to improve communication with the LegCo after the reorganization of the CE's Office. Mr LEE requested that, in setting out the measures to be put in place, the Administration should also explain how these measures could bring about improvement in terms of both quantity and quality.

27. PS/CE's Office assured members that the DCEO would be willing to meet with LegCo Members more frequently and/or on regular basis and would explore appropriate means to facilitate the exchange of views with LegCo Members, both through formal and informal meetings. It was expected that the DCEO could devote more time and effort in liaison with LegCo Members under the proposed structure.

28. Mr Abraham SHEK said that Members of the Alliance supported the staffing proposal. Given that members of the public had quite a lot of dissatisfaction with the work of the previous CE, Mr SHEK opined that the current CE should be provided with the needed staffing support to enhance his work in different aspects.

29. The Chairman advised members that the Administration intended to submit the proposal to the ESC for consideration at its meeting on 7 December 2005. Ms Emily LAU requested the Administration to take into consideration the major concerns/suggestions raised by members, and incorporate its response in its paper for submitting the relevant proposal to ESC. Ms LAU also requested the Secretariat to compile a list of concerns/suggestions raised at the meeting for the Administration's follow-up actions and arrange to issue it to all members of the two Panels and the ESC for information. The Chairman directed the Clerk to follow up accordingly.

Admin

(Post-meeting note: The list of follow-up actions prepared by the LegCo Secretariat was issued to the Administration on 22 November 2005, and to all LegCo Members vide LC Paper No. CB(1)431/05-06(01) on 30 November 2005.)

III. **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**

(LC Paper No. CB(1)293/05-06(03) — Paper provided by the Administration

LC Paper No. CB(1)293/05-06(04) — Background brief prepared by the Legislative Council Secretariat)

Impact on civil servants

30. While noting that the proposed flexibility arrangements would not incur any additional cost, Ms Emily LAU was concerned about the reasons for putting forward the proposal at the present stage. Ms LAU doubted whether the Administration had plans to replace immediately all the civil servants in the posts concerned in the private offices of CS, FS and Secretary for Justice (SJ) by officers appointed on NCSC terms.

31. In reply, the Deputy Director of Administration 1 (DD of A1) explained that under the Accountability System introduced on 1 July 2002, the supporting staff posts for DoBs could be filled by civil servants on posting or by way of direct appointment of non-civil servants if the DoBs considered it more appropriate to do so. The Administration considered that similar flexibility should apply to the filling of the five private office directorate posts for CS, FS and SJ in line with the prevailing policy. DD of A1 advised that except for the post of the Press Secretary to CS which

was currently filled by an officer appointed on NCSC terms, the other four directorate posts concerned were filled by civil servants and no immediate changes to the current arrangement were expected after the approval of the proposal by the Finance Committee (FC).

32. SCS added that while the three Secretaries of Department had not made any requests for making other direct appointment of supporting staff on NCSC terms, the Administration took this opportunity to propose for the flexibility in appointment of supporting staff posts in all their private offices instead of seeking approval on a post-by-post basis. Responding to Ms Emily LAU's further enquiry on the reason for not proposing the flexibility arrangement in 2002 under the staffing proposal for the Accountability System, SCS agreed that it would have been logical and reasonable to provide the same flexibility to the private office posts for CS, FS and SJ in 2002. Nevertheless, the Administration had not included that in the previous staffing proposal as the private offices of the three Secretaries of Department were already provided with supporting staff at that time and there was no operational need for the creation of additional posts in their offices in connection with the implementation of the Accountability System.

33. Mr WONG Kwok-hing asked whether appointment of supporting staff in the private offices of the Secretaries of Department from outside the civil service would affect the promotion prospect of civil servants and hence have adverse impact on staff morale. Mr WONG was also concerned that if the Secretaries of Department could appoint supporting staff from outside the civil service according to their own choice, their private offices might become politicize and this would affect the political neutrality of civil servants.

34. SCS responded that as the proposal only involved a small number of posts as compared to the total establishment of the civil service, he did not expect that it would have any impact on the promotion prospect and the staff morale of civil servants, nor their political neutrality. Moreover, SCS pointed out that although flexibility had been allowed for DoBs to appoint their supporting staff on NCSC terms since the implementation of the Accountability System in 2002, in practice, the majority of these posts were filled by civil servants and only a few direct appointments had been made to employ staff from outside the civil service.

Appointment of the Press Secretary to CS on NCSC terms

35. Referring to paragraph 8 of the paper provided by the Administration, Ms Emily LAU expressed concern about the present arrangement for the incumbent CS to appoint his Press Secretary on NCSC terms. Ms LAU doubted whether the incumbent CS was of the view that civil servants did not possess the expertise required to perform the functions of the post and it was necessary for him to make direct appointment from outside the civil service.

36. Mr James TIEN also expressed concern about the arrangement for appointing the Press Secretary to CS on NCSC terms. Mr TIEN was concerned that if the supporting staff in the private offices of Principal Officials would be changed when there were changes in the appointment of the Principal Officials, the continuity of service provided to the private offices would not be maintained.

37. DD of A1 and SCS explained that when the incumbent CS assumed office in June 2005, he considered it appropriate to appoint his Press Secretary on NCSC terms to render him the necessary support under the Accountability System. DD of A1 advised that the Controlling Officer concerned had created a NCSC position at D2-equivalent in August 2005 for a period of 12 months to accommodate the Press Secretary to CS in the interim pending ESC's endorsement and FC's approval of the current proposal. At the request of Mr James TIEN, SCS undertook to provide information on the posting arrangements for the directorate civil servant who previously filled the post of the Press Secretary to CS after the meeting.

Admin

Impact on the civil service directorate establishment

38. Ms LI Fung-ying was concerned that if additional NCSC positions at directorate-equivalent level were created under the proposed flexibility arrangement without deletion of civil service posts of similar ranking, there would be expansion in the directorate establishment of the civil service.

39. Mr LEE Cheuk-yan shared Ms LI Fung-ying's concern about the impact of the proposal on the size of the directorate establishment. Referring to the previous agreement reached by Members of various political parties and groups that the directorate establishment should be capped at 1 488 posts, Mr LEE enquired whether the five directorate posts in the current proposal would be included in the directorate establishment of the civil service if the proposed flexibility arrangement was approved. If not, the current proposal would in effect enable the Administration to employ additional directorate staff despite the cap of 1 488.

40. In reply, SCS assured members that the current proposal only sought to provide flexibility for the appointment terms of supporting staff in the private offices of the Secretaries of Department. It would not result in any changes in the total number or ranking of the posts in the offices. While clarifying that the level of 1 488 posts was the cap which LegCo Members wished to impose on the directorate establishment of the civil service and which the Administration should not accept as a matter of principle, SCS pointed out that the directorate posts in the current proposal were part of the civil service establishment as they could be filled either by civil servants on posting or direct appointment of officers on NCSC terms.

Other views

41. Mr Howard YOUNG said that, in principle, he considered it appropriate for the Administration to appoint staff from outside the civil service if the experience or

skills required of the posts were not normally found in the civil service. He enquired whether the current proposal was in any way related to the idea of creating some positions to assist the CE and Principal Officials in their political work as set out in the 2005-06 Policy Address. SCS replied in the negative and explained that these were two separate issues.

42. Referring to paragraph 5 of the paper provided by the Administration, Mr James TIEN noted that the posts of Press Secretary to both CS and FS were ranked at directorate level but the same post in the private office of SJ was a non-directorate post. Mr TIEN doubted the reason for the differential arrangements in the private offices of the three Secretaries and asked whether the Administration would have to submit another staffing proposal to ESC if SJ wished to upgrade the ranking of his Press Secretary.

43. In reply, SCS said that the directorate establishment of the civil service had been kept under strict surveillance. The Administration would not propose to upgrade the post in question unless SJ considered that appropriate and made a request for change. The Director of Administration and Development, Department of Justice confirmed that at this point in time SJ was satisfied with the present staffing support in his private office and had not made any request for upgrading the post of his Press Secretary.

44. There being no other questions from members, the Chairman concluded the discussion. He advised that the Administration intended to submit the proposal to ESC at its meeting on 7 December 2005.

45. There being no other business, the meeting ended at 10:45 am.