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

Joint meeting on 21 November 2005

**Background Brief
on re-organization of the Chief Executive's Office**

Purpose

This paper gives a brief account of the major staffing proposals of the Chief Executive (CE)'s Office since the re-unification in 1997, and summarizes the major views and concerns expressed by Members when the relevant staffing proposals were deliberated at meetings of the Legislative Council (LegCo) and its committees.

Major staffing proposals of the CE's Office and Members' major views and concerns

2. Since the establishment of the CE's Office on 16 December 1996, two personal advisers, designated as Special Assistant (SA) and Senior Research Officer (SRO), as well as one Personal Assistant and one Personal Chauffeur, have assisted the CE through hire of service from the Office of TUNG Chee Hwa.

Senior Special Assistant (SSA) and Assistant Director of Information Services (ADIS) posts (1997)

3. Upon the establishment of the Hong Kong Special Administrative Region on 1 July 1997, the CE's Office took over the former Governor's establishment. With new and enhanced activities, the Administration considered it necessary to provide the CE's Office with additional staffing support at the directorate level, in general administration and information and public relations (PR). In this connection, the Administration submitted the following staffing proposals to the Establishment Subcommittee (ESC) on 2 September 1997:

- (a) Non-civil service appointment of a SSA (equivalent to D2 rank) on local agreement terms, with effect from 1 September 1997 until the end

of the tenure of office of the incumbent CE. The job description of the SSA post is in **Appendix I**; and

- (b) Creation of a permanent post of Assistant Director of Information Services (ADIS) (D2) as the Deputy Press Secretary (DPS) of the CE's Office with effect from 12 September 1997 upon the lapse of the supernumerary ADIS post on the same day. The job description of the ADIS post is in **Appendix II**.

4. The Administration also proposed to create 21 non-directorate posts in the CE's Office under delegated authority to provide support services in relation to the handling of appeals, the Press Office and general office administration.

5. When the staffing proposals were deliberated at the ESC meeting on 2 September 1997, Members noted that the SSA (previously the SA) post would be underpinned by a SA (previously the SRO) post. The SSA, SA (at equivalent of MPS 45-49), Personal Assistant (at equivalent of MPS 30-33) and a Personal Chauffeur (at equivalent of MPS 12), would be engaged by non-civil service appointments in the CE's Office until the end of the tenure of the incumbent CE. Members raised questions on the circumstances where non-civil service appointments applied and why such posts could not be filled by civil servants. As regards the conversion of the supernumerary ADIS post to the permanent establishment, concern was raised on the need for the Press Secretary, a D3 officer, to be underpinned by a permanent D2 post (i.e. the ADIS post) in such a small office. The extract of the minutes of the ESC meeting is in **Appendix III**.

6. The staffing proposals were endorsed by ESC on 2 September 1997 and approved by the Finance Committee (FC) on 19 September 1997. The organization chart of the CE's Office after implementing the staffing proposals is in **Appendix IV**.

Creation of a permanent Information Coordinator (IC) post (1998)

7. On 13 October 1998, the Administration announced the intention to create a post of IC in the CE's Office to strengthen communication with the media and the public, to oversee the Government's media and PR strategy and to further enhance the transparency and openness of the Government. At the same time, the Administration also announced that Mr Stephen LAM had been designated to take up the post upon its creation. In December 1998, the Administration put forward the following proposals:

- (a) Creation of a permanent post in the new rank of IC at D8 level in the CE's Office to coordinate the Government's media and PR strategy, to act as spokesperson for the CE's Office, to gauge public opinion and to liaise with key opinion-formers; to be offset by the deletion of the post of Press Secretary to the CE (ranked at AOSGB(D3)) in the Information Services Department. The job description of the proposed IC post is in **Appendix V**; and

- (b) Re-titling of the existing post of DPS to the CE (ranked at ADIS (D2)) to Deputy Information Coordinator (Media Liaison). The proposed job description for the re-titled post is in **Appendix VI**.

8. When the staffing proposal mentioned in paragraph 7(a) above was deliberated at the joint meeting of the Panel on Public Service (PS Panel) and Panel on Home Affairs (HA Panel) on 9 December 1998, the ESC meeting on 16 December 1998 and the FC meeting on 15 January 1999, the following major views and concerns were raised by Members:

- (a) It was unusual for the Administration to announce the appointment of an officer to fill the IC post before the creation of the post;
- (b) The IC, being the spokesperson for the CE, should be subject to the nationality requirements applicable to Principal Officials under the Basic Law;
- (c) On the level of the IC post, while some Members considered it justified to pitch the post at D8 level, some Members considered it not justified because the post-holder would not be required to formulate policies and legislative proposals and therefore the level of responsibilities to be undertaken by him was not commensurate with those of existing D8 posts; and
- (d) Whether there were any performance indicators for monitoring the performance of the IC, with particular regard to the objective of increasing the openness and transparency of the Government.

9. The two proposals mentioned in paragraph 7(a) and (b) above were endorsed by ESC on 16 December 1998 and approved by FC on 15 January 1999. The extracts of the minutes of the joint Panel meeting, ESC meeting and FC meeting are in **Appendices VII, VIII and IX** respectively. The revised organization chart of the CE's Office after implementing the two proposals is in **Appendix X**.

Creation of a non-civil service position of the Director of the CE's Office (DCEO) and deletion of the IC post (2002)

10. On 17 April 2002, the Administration announced its plan for implementing a new Accountability System for Principal Officials (the Accountability System) with effect from 1 July 2002 when the second term CE assumed office. To complement the introduction of the Accountability System, the Administration proposed the following changes to the CE's Office:

- (a) Creation of a non-civil service position of DCEO at a rank equivalent to D8, and the deletion of the IC post. DCEO would oversee the running

of the CE's Office and the Executive Council (ExCo) Secretariat, and would continue to perform the duties and functions of the IC. The job description of the DCEO post is in **Appendix XI**. DCEO would not be a Principal Official. His term of appointment would not exceed that of the CE who selected him for appointment; and

- (b) Transferring the ExCo Secretariat from the Chief Secretary for Administration (CS)'s Office to the CE's Office.

11. In April 2002, the Subcommittee to Study the Proposed Accountability System for Principal Officials and Related Issues (the Subcommittee) was set up by LegCo to discuss the proposed Accountability System and related issues. When the staffing proposals mentioned in paragraph 10 above were deliberated at the Subcommittee meeting on 14 May 2002, ESC meeting on 6 June 2002 and FC meeting on 14 June 2002, the following major views and concerns were raised by Members:

- (a) While the position of DCEO was a political appointment, the post-holder was not a Principal Official but would have to abide by the Code for Principal Officials under the Accountability System. The rationale for such an arrangement was questioned;
- (b) Given that the DCEO was required to oversee the running of the ExCo Secretariat, it would be more appropriate for the post to be filled by a civil servant who was politically neutral. The independence of the ExCo might be undermined if its Secretariat was placed under DCEO who was a political appointee; and
- (c) The DCEO should be accountable to the public and there should be checks against possible abuse of office.

12. The staffing proposals for the implementation of the Accountability System, including those mentioned in paragraph 10 above, were endorsed by ESC on 6 June 2002 and approved by FC on 14 June 2002. The extracts of the minutes of the Subcommittee meeting, ESC meeting and FC meeting are in **Appendices XII, XIII and XIV** respectively.

Proposed deletion of the SSA post (2004)

13. During the resumption of the Second Reading debate on the Appropriation Bill 2004 at the LegCo meeting on 28 April 2004, a Member moved an amendment to reduce \$1.9 million under Head 21 Subhead 000 for the deletion of the SSA post. The post, which had been left vacant when the previous incumbent, Mr Andrew LO, left the Government in December 2001, was subsequently filled by the promotion of Mr CHAN Kin-ping, the SA, in 2003. While some Members considered that the Government should delete the SSA post to achieve staff savings, some other Members considered it necessary to retain the post for assisting the CE in dealing with issues

related to the Mainland, and communicating with the Central Government and Mainland organizations at a higher level. The amendment was negatived.

Supernumerary post of the Permanent Secretary of the CE's Office (2005)

14. The DCEO post has been left vacant since Mr LAM Woon-kwong's resignation on 6 January 2005. On 8 July 2005, the Government announced that Mr Andrew WONG Ho-yuen would be deployed to the CE's Office on 1 August 2005 to help oversee the running and operation of the Office pending the appointment of a new DCEO. Mr WONG was deployed to fill a supernumerary post of Permanent Secretary of the CE's Office for six months.

15. A Member raised a written question for the LegCo meeting on 19 October 2005 on the progress of the appointment of the DCEO and the mechanism governing the creation of supernumerary directorate positions. The Administration explained in its written response that in accordance with section 8 of the Public Finance Ordinance (Cap. 2), the Financial Secretary (FS) might create supernumerary directorate posts to meet temporary need lasting not longer than six months. The authority was further delegated to Controlling Officers. Approval of ESC and FC was required if the posts were to be renewed.

Recent developments

16. On 12 October 2005, CE announced in his Policy Address the decision to re-organize the CE's Office. CE highlighted the following major features under the proposed re-organization:

- (a) The DCEO post
The DCEO post would continue to be a political appointment, responsible for liaison with the LegCo, the Commission on Strategic Development, political organizations, various sectors and district personalities;
- (b) Additional post of Permanent Secretary
An additional post of Permanent Secretary would be required for internal management, including co-ordination with the offices of CS and FS, bureaux and departments; liaison with the ExCo; keeping track of the implementation of major policies; and ensuring the directives of the CE are followed through; and
- (c) Creation of an IC post
The IC would be responsible for the Government's overall PR strategies, co-ordinating publicity on the introduction of major policies, strengthening communication with the media, and enhancing the dissemination of information.

17. The Administration will consult the PS Panel and the Panel on Constitutional Affairs on the proposed re-organization of the CE's Office at the joint meeting of the two Panels on 21 November 2005. It intends to submit the relevant staffing proposals to ESC on 7 December 2005.

Relevant Papers

18. A list of relevant papers is in **Appendix XV**.

Council Business Division 1
Legislative Council Secretariat
18 November 2005

Proposed Job Description of Senior Special Assistant

Responsible to the Chief Executive in undertaking the following duties and responsibilities -

- (1) to act as personal adviser to the Chief Executive on Mainland related issues;
- (2) to liaise with the Central People's Government and to provide support on the organisation of the Chief Executive's visits to the Mainland;
- (3) to undertake research on matters relating to the Chief Executive's networking with business and community organisations and to prepare necessary briefs, messages and speeches;
- (4) to ensure that the Chief Executive is briefed on general community opinions on Government initiatives;
- (5) to ensure that opportunities are found for the Chief Executive to engage targetted sectors of the community, including leaders and opinion-formers on government policies; and
- (6) to attend to all matters, including studies and liaison work, as instructed by the Chief Executive.

(Source: Enclosure 2 to EC(1997-98)18, item for ESC discussion at the meeting on 2 September 1997.)

**Proposed Job Description of Deputy Press Secretary
(Assistant Director of Information Services)**

Responsible to and assisting the Press Secretary in undertaking the following duties and responsibilities -

- (1) to liaise with the local and international media on behalf of the Chief Executive and the Government, including responding to press questions and requests for information on the Government of the HKSAR during and after office hours, and drafting or authorising statements from Chief Executive's Office;
- (2) to develop and coordinate an overall PR strategy for the Chief Executive and coordinate publicity activities for the Government of the HKSAR, consulting and/or advising the Chief Executive for matters related to broad policy issues of the Government of the HKSAR;
- (3) to liaise with the Information Services Department and policy bureaux in the Government Secretariat with the object of identifying, and obtaining information on matters which are of interest to the local and international media; preparing and advising on the line to take and on appropriate publicity and PR arrangements; and
- (4) to supervise the PIO and support staff in the Press Office.

(Source: Enclosure 4 to EC(1997-98)18, item for ESC discussion at the meeting on 2 September 1997.)

Extract from the minutes of the Establishment Subcommittee meeting on 2.9.1997

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EC(97-98)18 Proposed, in the context of setting up the new Chief Executive's Office -

(a) non-civil service appointment of a Senior Special Assistant to the Chief Executive at the equivalent of D2, with effect from 1 September 1997 until the end of tenure of service of the incumbent Chief Executive, in the Chief Executive's Office; and

(b) making permanent the post of Assistant Director of Information Services (D2) in the Information Services Department with effect from 12 September 1997 to assist in the formulation of public relations strategies for the Chief Executive

3. Members noted the need for the Chief Executive (CE) to employ persons outside the civil service to provide him with personal support services. Members also noted that a Senior Special Assistant (SSA), ranked at D2, a Special Assistant (at equivalent of MPS 45-49), a Personal Assistant (at equivalent of MPS 30-33) and a Personal Chauffeur (at equivalent of MPS 12), would be engaged by non-civil service appointments in the CE's Office until the end of the tenure of the incumbent CE. Members raised questions on the circumstances where non-civil service appointments applied, e.g. in the case of the previous Governor, and why such persons could not occupy civil service posts.

4. In response, DS/CS explained that non-civil service appointments were not uncommon in the civil service. There was a long-standing mechanism to bring in persons who possessed expertise not available in the civil service to provide specific services or perform specific functions. Examples of such appointments included the Chairman of the Public Service Commission, resident site staff in public works projects and the consultants and researchers in the Central Policy Unit. The Deputy Secretary for the Treasury stressed that the nature and conditions of these appointments were similar to those under the present proposal. The practice of putting forward proposals for non-civil service appointments of directorate equivalent rank exceeding 12 months only commenced in 1994, following a decision of the Finance Committee to expand the ambit of the Establishment Subcommittee to cover such proposals. At a member's request, the Administration agreed to provide further information on non-civil service appointments in Government over the past few years.

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5. Referring to the establishment in the former Governor's Office, PS to CE confirmed that two special assistants from the United Kingdom were engaged during the tenure of the former Governor. DS/CS said that these two special

assistants with relevant civil service experience from the United Kingdom were employed in the civil service on secondment terms of appointment. Such arrangements were used in such cases to facilitate the continuation of pension eligibility when such officers subsequently returned to the UK upon the expiry of their service in Hong Kong. The situation in the present proposal was therefore different and non-civil service appointments were more appropriate. By way of non-civil service appointments, the appointees could not be transferred or promoted to civil service posts; likewise, civil servants could not fill these positions. PS to CE added that the services of the three Assistants and the Personal Chauffeur of CE would only be required during the tenure of the incumbent CE and their appointments would not affect the promotion prospects of staff members in the civil service.

6. Referring to the proposed non-civil service appointments, a member sought clarification on the appointees' obligation to abide by civil service rules and regulations, such as the Official Secrets Acts. He also questioned the rationale for not providing specific civil service posts for such appointments which would ensure that there was no ambiguity over the appointees' obligations. DS/CS and PS to CE confirmed that these appointees were appointed on local agreement terms and were subject to all civil service rules and regulations as applied to such appointments; the present proposal aimed at seeking the necessary funds. The terms of employment would be clearly laid down in the agreements, including the appointees' obligation to abide by all civil service rules and regulations.

7. As regards the remuneration for the appointees, PS to CE advised that in determining the level of remuneration, factors such as the duties and responsibilities of the positions concerned, the appointees' background and previous working experience had been taken into consideration. The end-of-contract gratuity at 25% of the total salaries received would only be granted at the satisfactory completion of the contract. DS/CS supplemented that although present practice in the civil service allowed variation in the level of gratuities for different appointments, 25% gratuity level was considered appropriate in the present case.

8. In response to a member, PS to CE confirmed that the SSA would be required to assist the CE by researching into specific issues of concern and provide supplementary personal assistance to the CE in addition to the general support from departments and Bureaux. In terms of line of command, PS to CE was the administrative head of the CE's Office and the Controlling Officer of the Office's finance.

9. Referring to conversion of the supernumerary post of Deputy Press Secretary (DPS) to permanent establishment, a member questioned the need for the Press Secretary, a D3 officer, to be underpinned by a permanent D2 Deputy post in such a small office. The Press Secretary to CE (Press Secretary) explained that since the creation of the temporary DPS post in March 1997, the workload and complexity of public relations work in the CE's Office had confirmed that both posts were required in providing an effective service. Experience indicated that apart from

being responsible for the strategic planning of CE's public relations matters, the Press Secretary was required to accompany the CE in attending public functions and media interviews. During the absence of the Press Secretary, an officer at a relatively senior level would have to handle enquiries and matters which were often highly sensitive and complicated in nature and decide whether such matters required the immediate attention of senior officials in the Government. Pitching the DPS post at D2 level was therefore appropriate.

10. As to whether the proposed staffing support was similar to that given to the former Governor, the Press Secretary pointed out that during the several months before the Handover, the former Governor was supported by an Information Co-ordinator (D4), an Assistant Director of Information Services (D2), one Chief Information Officer (MPS 45-49) and one Senior Information Officer (MPS 34-39). As for the CE's Office, the proposed staffing complement for public relations work comprised one D3 officer, one D2 officer and one Principal Information Officer (MPS 40-44). The Press Secretary stressed that there could not be any direct comparison between the two as the intensity and aspects of public relations activities were different.

11. Regarding the different dates for the proposed posts, PS to CE explained that the appointment of SSA would take retrospective effect from 1 September 1997 as the service contract of the incumbent SSA, the funding of which was approved in a previous proposal to the Finance Committee, lasted up to 31 August 1997. Since no meeting of the Establishment Subcommittee had been scheduled prior to 1 September 1997, this was the earliest opportunity to put the staffing proposal to the Subcommittee for endorsement. The effective date of the creation of the DPS post would be 12 September 1997 to tie in with the expiry of the existing supernumerary post.

12. The item was voted on and endorsed.

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Proposed Job Description for Information Coordinator
Chief Executive's Office

Rank : D8

Responsible to : Chief Executive

The Information Coordinator will be responsible for the following duties :

Media and Public Relations Strategy

- (a) formulating the media and public relations strategy for handling the announcement on major issues and policies;
- (b) developing, in conjunction with the relevant Policy Bureaux, a uniform and coordinated set of Government positions and lines-to-take on such major issues ahead of time;
- (c) coordinating with the relevant Policy Bureaux and departments to ensure that a uniform stance is taken in presenting the Government's position on the respective issues;
- (d) attending Executive Council meetings and advising on the media and public relations aspects of relevant issues;

Spokesperson for Chief Executive and Media Liaison

- (e) conducting regular press sessions, as Spokesperson for the Chief Executive, to state the Government's position on matters of topical interest, to clarify specific issues and to respond to the media on particular angles of interest;
- (f) conducting background briefings for media organisations to explain the background of issues under consideration and to set out the rationale for policies adopted;

/(g)

- (g) coordinating the media and public relations strategy for handling major unforeseen events;

Liaison with Key Opinion-Formers

- (h) strengthening the Government's liaison and communication with the media, political parties, Members of the Legislative Council and other key opinion-formers who are influential in shaping public policies;
- (i) taking into account the views of these opinion-formers in formulating the Government's media and public relations strategy in respect of key policy issues;

Chief Executive's Public Engagements Programme

- (j) planning and implementing an on-going programme of public functions for the Chief Executive including speaking engagements, overseas visits, community visits, meetings with editors and correspondents and press conferences;
- (k) designing the messages for the Chief Executive to deliver on public occasions; and

Monitoring Public Opinion

- (l) coordinating with relevant bureaux and departments to analyse public opinion polls, to assess public opinion as reflected in media reports and to reflect and significant results to departments concerned for these to be taken into account in policy formulation.

(Source: Enclosure 2 to EC(1998-99)15, item for ESC discussion at the meeting on 16 December 1998.)

Proposed Job Description for
Deputy Information Coordinator (Media Liaison)

Rank : Assistant Director of Information Services

Responsible to : Information Coordinator,
Chief Executive's Office

The Deputy Information Coordinator (Media Liaison) will be responsible for :

- (a) developing and coordinating the public engagements programme for the Chief Executive, including community activities, media functions, interviews, background briefings and press conferences and to advise on matters with PR implications;
- (b) assisting the Information Coordinator in preparing for the Spokesperson sessions with and background briefings for the media;
- (c) liaising with the Information Services Department and policy bureaux in the Government Secretariat with the object of obtaining information on matters including unforeseen events which are of interest to the media and advising on the lines to take and on appropriate publicity arrangements;
- (d) liaising with the local and international media and handling press enquiries and requests for information and interviews; and
- (e) supervising the Principal Information Officer and other support staff in the Information Coordinator's Office.

(Source: Enclosure 6 to EC(1998-99)15, item for ESC discussion at the meeting on 16 December 1998.)

**Extract from the minutes of joint meeting
of the Panel on Public Service and Panel on Home Affairs
on 9 December 1998**



III. Meeting with the Administration

(LC Paper No. EC (98-99)15 issued under LC Paper No. ESC 20/98-99 on 4 December 1998)

3. At the invitation of the Chairman, Secretary for the Civil Service (SCS) briefed members on the background to the proposal. SCS said that the Government of the Hong Kong Special Administrative Region (the Government) reviewed its performance on a regular basis. In the light of the experience gained over the last one and a half years, and having regard to the public view which pointed to the need for more to be done to enhance the transparency and openness of the Government, it was concluded that the Government's media and public communications must be strengthened and coordinated at a strategic level. In October 1998, the Government announced the intention to create the IC post in the Chief Executive's Office. At the same time, it also announced that Mr Stephen LAM had been designated to take up the post upon its creation.

4. SCS advised that just prior to the Government's announcement, he had approached Mr LAM, briefed him on the proposed post and asked him to draw up job description for the IC post on the basis of an outline given by the Civil Service Bureau. Mr LAM was specifically told that he would not be required to deal with the ranking for the post, which would be determined by the Administration without his involvement. SCS explained that in the unusual circumstances that no Policy Bureau was responsible for the policy aspects of the IC's responsibilities that Mr LAM had been asked to devise a job description for the post. He had also asked Mr LAM to consult LegCo Members and key opinion-formers in the community on how the Government should strengthen its communication with the media and the public. SCS stressed that the consultation work done by Mr LAM in this regard should not be misinterpreted as lobbying support for the IC post. Rather, these consultation sessions enabled Mr LAM to have the opportunity to listen to the views of those who were influential in shaping policies and to take such views into account when drawing up the job description for the IC post.

5. SCS further advised that the proposal to create the IC post was processed within the Government in accordance with established procedures. The Civil Service Bureau

had examined the proposal submitted by the Chief Executive's Office and agreed that it was appropriate to pitch the new post at D8 level having regard to the strategic role and scope of responsibilities of the IC, which were commensurate with that of a Bureau Secretary in such areas as level of responsibility, decision-making, job complexity, crisis management ability and leadership quality. The appointment of Mr LAM to fill the post was also made in accordance with normal selection procedures. Given the public interest in the post, the Administration decided to announce Mr LAM's appointment prior to the creation of the post to avoid media speculation.

6. In explaining the role and the scope of responsibilities of the IC, Mr Stephen LAM, Information Coordinator (Designate) said that the Government would take a pro-active approach to strengthen its communication with the media and the public in three directions -

1. firstly, the media and public relations strategy for handling the announcement on major issues and policies would be coordinated centrally;
2. secondly, a Spokesperson system would be initiated to provide a central platform for projecting the Government's messages and conducting regular press sessions to enhance the transparency and openness of the Government; and
3. thirdly, liaison with the media, political parties, LegCo Members and other key opinion-formers in the community would be strengthened, so that the Government could shape its policies in a manner which would accord more closely with public sentiments.

7. Mr LAM advised that the IC would be responsible for four main tasks, viz. setting the public relations and media strategy, feeling the pulse and monitoring the trend of public opinion, delivering the Government's messages and managing unforeseen events. Mr LAM highlighted in particular the role played by the IC in projecting the Government's messages. The IC would conduct regular background briefings for media organisations to enhance the media's appreciation of the Government's overall stance. These briefing sessions would also be used to explain the background of issues under consideration before specific proposals were formulated. Hopefully this would lay the groundwork for securing more complete public understanding of the Government's rationale when the policy was launched later.

8. Referring to the IC's role as the Chief Executive's Spokesperson, Mr LAM said that initially the Spokesperson session would be held once a week on Thursday or Friday. The Spokesperson sessions would be used to state the Government's position on matters of topical interest, to clarify specific issues and to respond to the media about any particular angles of interest, as well as to announce the Chief Executive's public engagements programme for the following week. In addition to acting as the Chief Executive's Spokesperson, the IC would coordinate the media and public

relations strategy for handling major unforeseen events, so that there would be timely communication with the media and the public, and to ensure that a uniform position was taken by officials concerned.

9. Mr LAM further said that the Chief Executive's public appearances would not be reduced as a result of the creation of the IC post. The Chief Executive would continue to undertake an active and regular programme of public functions including speaking engagements, overseas visits, community visits, meetings with editors and correspondents and press conferences.

10. The Chairman thanked the Administration for briefing members on the proposal for the creation of the IC post. He then invited questions from members.

11. Noting that the Administration had appointed Mr LAM to the IC post prior to its creation, Mr Ronald ARCULLI asked whether this represented a new approach which the Administration would adopt in the future. Messrs CHEUNG Man-kwong, CHAN Kam-lam and LEE Kai-ming asked whether the Government had adopted the wrong strategy in announcing Mr LAM's appointment as the IC (Designate) before the post was created.

12. In response, SCS said that as the Posting Board had already decided on Mr LAM's appointment, it was considered necessary to announce the appointment as soon as possible to curb speculation by the media and within the civil service. SCS explained that the Government's announcement of Mr LAM's appointment before the proposal for the creation of the IC post was considered by the LegCo was not intended to pre-empt the LegCo's decision on the proposal. SCS pointed out that even if the proposal was rejected, there was no question of Mr LAM being made redundant as he would be redeployed within the civil service. SCS stressed that the announcement of Mr LAM's appointment prior to the post being considered by LegCo was an exceptional arrangement and not meant to set a precedent.

13. In reply to Mr Howard YOUNG, Mr LAM said that the Administration had not made an assessment on whether there had been an increase in workload in arranging overseas visits by the Chief Executive and other senior Government officials in the post-handover period. However, the Government would continue to undertake an active and regular overseas publicity programme to promote Hong Kong's image and to forestall and counter negative publicity in overseas countries.

14. Mr LAM further said that the scope of work of the IC in the Chief Executive's Office differed from that of the former IC in the pre-handover period. Prior to the handover, much of the media and public attention was focused on issues relating to the transition. However, after the handover, public attention had turned to a variety of economic, social, livelihood, legal and other issues. There was therefore a need to strengthen and coordinate the handling of media and public relations at a strategic level. Unlike the incumbents of the IC post established in the former Government

House, the IC of the Chief Executive's Office would perform the role of the Government's Spokesperson at regular press sessions. In addition, the IC would liaise with political parties, LegCo Members and other key opinion-formers to gauge public opinion, thereby providing critical input to the Government to enable it to formulate policies which would be more in tune with public sentiment.

15. In reply to Mr YOUNG's further enquiry, SCS confirmed that the two Personal Advisers recruited from the United Kingdom during the tenure of the former Governor occupied established posts in the former Government House.

16. Mr CHEUNG Man-kwong was not convinced that the IC post should be pitched at D8 level, given that the IC would not have to formulate policies or legislative proposals nor would he be required to secure funding for their implementation. In response SCS said that the complexity and level of responsibility undertaken by the IC was commensurate with that of a Bureau Secretary, having regard to the strategic role the IC had to play in formulating the media and public relations strategy for handling major unforeseen events and announcing major issues or policies, as well as in developing a uniform and coordinated set of Government positions within a tight timeframe. SCS pointed out that the posts of Head of the Central Policy Unit, Director of Beijing Office and Judiciary Administrator were also ranked at D8 even though the incumbents of the posts did not have to undertake policy formulation responsibilities.

17. In reply to Mr TSANG Yok-shing, SCS said that the Government's thinking from the outset was that the IC post should be pitched at a higher level than that of the former Information Coordinator, which was ranked at D4. SCS reiterated that Mr LAM accepted the appointment without knowledge of the proposed ranking for the post and that Mr LAM played no part in the Administration's decision on the post's ranking.

18. Mr CHAN Wing-chan said that proposal for the creation of the IC post should have been made earlier, and asked whether this reflected the Administration's lack of foresight and crisis management ability. In response, SCS said that the Government reviewed its performance on an on-going basis and that the proposal was one of the Government's initiatives to improve its performance and public profile. In hindsight, SCS agreed that the proposal could have been submitted earlier.

19. In reply to Mr Ronald ARCULLI's enquiry as to how the IC would handle major unforeseen events or major issues of public concern, Mr LAM said that in the case of a major unforeseen event occurring, the IC would make an immediate assessment of the situation and develop a uniform set of Government positions and lines-to-take, so that there would be timely communication with the media and the public. Whether the IC or the relevant Bureau Secretary would act as the spokesman would depend on the circumstances of the event in question. In handling major issues which affected the community as a whole, such as the Government's intervention in

the stock market in August this year, the IC would coordinate the development of a long-term and comprehensive public relations strategy in advance for deployment at the appropriate time, so as to enable the officials concerned to take a uniform stance in presenting the Government's position.

20. In response to Mr Ronald ARCULLI's further enquiry, Mr LAM said that the IC would attend ExCo meetings to advise on the media and public relations aspects of issues considered by ExCo. Depending on the nature of the issue, the Chief Executive, the Chief Secretary for Administration or the Financial Secretary would continue to make announcement for the Government after ExCo meetings. If considered appropriate for the occasion the IC could, in his role as the Government's Spokesperson, conduct press briefings after ExCo meetings.

21. Mr CHEUNG Man-kwong said that the IC post should be subject to the nationality restriction laid down in Article 101 of the Basic Law, given that the IC post was pitched at D8 level and that the IC was the Spokesperson in the Chief Executive's Office. In response, SCS said that the Head of the Central Policy Unit, the Judiciary Administrator and the Director of the Beijing Office, who carried no policy formulation responsibilities, were not subject to the nationality restriction set out in the Basic Law. The Administration did not therefore see the need to apply such restriction to the IC post.

22. Mr LEE Kai-ming said that the Administration's explanation for announcing the appointment of Mr LAM in advance of the creation of the IC post was not convincing. He cited the case of the post of the Director of Beijing Office where the Government followed the established practice in consulting the relevant Panels before submitting the request for the creation of the post to the Finance Committee for consideration in March. The Government did not announce the appointment until October this year, although there was much media speculation about who would be appointed to take up the post. He asked why the practice was not followed on this occasion.

23. In response, SCS explained that the reason why the Administration had not consulted the relevant Panel was because the policy aspects of the IC's responsibilities did not fall within the purview of any of the existing Panels. He added that the Administration would continue to follow the practice of consulting the relevant Panels on major legislative or financial proposals before they were presented to LegCo.

24. Miss Emily LAU said that it was unusual that the Government announced the appointment of Mr LAM to a post yet to be created, and then asked him to draw up the job description of the post concerned and appear in person at the meeting to explain the justification for the post. She asked whether such an arrangement would give rise to a conflict of interest situation. In response, SCS reiterated that Mr LAM took no part in the determination of the ranking of the IC post and that the reason for asking Mr LAM to draw up the job description was due to the fact that no Policy Bureau was responsible for the policy aspects of the IC's responsibilities.

25. In reply to Mr LEE Cheuk-yan, SCS explained that the role of the IC was to coordinate media and public relations strategy rather than coordinating the formulation of Government policies. The Chief Secretary for Administration's role in the coordination of the formulation and implementation of policies would certainly not be affected as a result of the creation of the IC post.

26. Mrs Selina CHOW said that she supported the Government's approach to seek the views of LegCo Members and key opinion-formers in the community in drawing up the job description of the IC post. She expressed the hope that with the creation of the IC post, the Government's communication with the media and the public would be made more transparent and open.

27. In reply to Miss Emily LAU's enquiry about the organisational structure depicted in Enclosure 1 to the paper outlining the relationship between the IC and the Information Services Department (ISD), SCS explained that with the IC and the Director of Information Services (DIS) designated as Spokesperson and Deputy Spokesperson, the IC's Office and ISD would function as one team. The IC would be responsible to the Chief Executive for providing strategic public relations advice to the Government. The DIS, who was responsible to the Chief Secretary for Administration for the day-to-day operation of ISD, would manage the operational and implementational aspects of media and public relations services.

28. Miss Emily LAU was of the view that the two additional duties of the IC described in paragraph 18 of the paper, which were not undertaken by the incumbents of the former IC post (ranked at D4) in the pre-handover period, could hardly justify pitching the proposed IC post at D8 level.

29. In response, SCS reiterated that the IC would take a pro-active approach to strengthen the Government's communication with the media and the public to enhance the transparency and openness of the Government. The IC would develop and coordinate, in conjunction with the relevant Policy Bureaux, the media and public relations strategy for presenting major proposals or issues, so that a uniform stance was taken in stating the Government's position. Miss Emily LAU, however, felt that such coordination work should be the responsibility of the Chief Secretary for Administration.

30. In reply to Mr LEE Wing-tat's enquiry about the IC's work schedule, Mr LAM said that a typical weekly schedule of the IC would be as follows : on Monday, he would hold an internal meeting on the media strategy for the week; on Tuesday, he would attend ExCo meeting in the morning and liaise with the ISD on news release in the afternoon; on Wednesday, he would deal with ExCo papers and media strategies for the following week; on Thursday or Friday, he would hold his weekly media briefing session; and on Friday, he would attend the regular meeting between the Chief Executive and Policy Secretaries.

31. Mr LEE Wing-tat asked whether Mr LAM would use the frequency of the Chief Executive's public appearances as a yardstick to assess the IC work. In reply, Mr LAM reiterated that the CE's public appearances would not be reduced after the IC post was created. The Chief Executive would continue to undertake an active public engagements programme and meet the media from time to time.

32. The Chairman said that it was time for the meeting to come to a close. He reminded members that the proposal for the creation of the IC post would be considered at the Establishment Subcommittee meeting to be held on Wednesday, 16 December 1998 at 8:30 am.



Extract from the minutes of the Establishment Subcommittee meeting on 16.12.1998

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EC(98-99)15 Proposed -

(a) **creation of one new rank and permanent post of Information Co-ordinator (D8) in the Chief Executive's Office to be offset by the deletion of one permanent post of Administrative Officer Staff Grade B (D3) in the Information Services Department; and**

(b) **the retitling of the existing post of Deputy Press Secretary to the Chief Executive (ranked at Assistant Director of Information Services (D2)) to Deputy Information Co-ordinator (Media Liaison)**

to enhance the transparency and openness of the Government

10. Mr CHEUNG Man-kwong stated that Members of the Democratic Party (DP) were concerned about the present proposal to create the proposed Information Co-ordinator (IC) post. Their concerns had already been explained in detail at the joint meeting of the Public Service Panel and the Home Affairs Panel on 9 December 1998. He requested the Administration to clarify the following points:

- (a) why the IC post was pitched at the D8 level, bearing in mind that the IC would not be required to formulate policies and legislative proposals and be answerable for the effective implementation of approved policies, in the same way as Bureau Secretaries;
- (b) why the Administration announced the officer to be appointed to the post before the post was created, which was unprecedented in Civil Service establishment practice; and
- (c) whether the appointment of the IC should be subject to the nationality requirements applicable to principal officials of the Hong Kong Special Administrative Region (HKSAR) under the Basic Law, given that the IC would act as the Chief Executive's Spokesperson and would attend meetings of the Executive Council (ExCo).

11. In response, the Secretary for the Civil Service (SCS) advised that the ranking of the IC post was determined on the basis of the criteria drawn up by the Standing Committee on Directorate Salaries and Conditions of Service (SCDSCS). These criteria included the importance, urgency and complexity of the decisions and judgements required to be made by the incumbent, as well as the political

sensitivity and leadership qualities required. Having regard to the strategic role and the spectrum of responsibilities of the IC post, the Administration considered it appropriate to pitch the post at the D8 level. He reiterated that although the IC's responsibilities were different from those of a Bureau Secretary, the level of decision-making responsibility, job complexity, ability to handle crisis situations and other leadership skills required of the job were comparable to those required of a Bureau Secretary. He further pointed out that posts such as the Head, Central Policy Unit (H/CPU) and the Judiciary Administrator (JA) were also without a policy and legislative portfolio, but were pitched at the D8 level on account of the importance of their work.

12. As regards the announcement of the appointment of Mr Stephen LAM prior to the creation of the post, SCS advised that as the Posting Board had already decided on the appointment for the IC post among other directorate appointments in October this year, the Administration considered it appropriate and timely to announce the appointment in order to curb speculation. However, in the light of grave concerns among Members over this arrangement, he acknowledged that procedurally, this exceptional arrangement might not be the most desirable course of action and the Administration had no intention to regard it as a precedent.

13. On the issue of nationality requirements, SCS confirmed that after careful consideration, the Administration had come to the view that the IC post would not be subject to the nationality requirements applicable to principal officials of HKSAR stipulated in the Basic Law. He explained that officers who might speak on behalf of the Chief Executive (CE) or attend ExCo meetings were not necessarily subject to the said nationality requirements. For example, such requirements did not apply to the Director of Information Services and the Secretary to ExCo, both of whom were also in attendance at ExCo meetings. He added that for the purpose of confirming their integrity, all officers to be appointed to sensitive posts in the Government would need to undergo an integrity check. Nevertheless, the Administration would take into account members' concern about the nationality aspect in future appointment for the IC post although in the case of Mr Stephen LAM's appointment, the question of nationality did not arise.

14. In response, Mr CHEUNG Man-kwong maintained that the IC's responsibilities were not commensurate with those of existing D8 posts in terms of work pressure, political responsibilities and social consequences. He commented that compliance with established procedures for civil service appointments was critical for ensuring fairness and objectivity, and he was of the view that the Administration had violated the established practice of announcing the appointment for a post only after approval had been given to the creation of the post. He did not consider the need to curb speculation an acceptable reason for not following the usual procedure. He also reiterated that the IC should be subject to the nationality requirements as the officer was the spokesperson for the CE. He stated that Members of the DP was unconvinced of the Administration's explanation on the above issues and would object to this item.

15. Miss Emily LAU considered that pitching a post which did not have a policy portfolio and with little resources management responsibilities at the D8 level was unacceptable. In response, SCS pointed out that the IC would be responsible, inter alia, for co-ordinating the Government's overall public relations (PR) strategy and would work closely with the heads of the policy bureaux. The Administration therefore considered that it was appropriate to pitch the IC post at D8 to enable the post-holder to garner the necessary high-level support and handle his job effectively.

16. Miss Emily LAU pointed out that she and Mr LEE Wing-tat had raised concern at the joint Panel meeting about the performance indicators, if any, for monitoring the performance of the IC, with particular regard to the objective of increasing the openness and transparency of the Government. In response, SCS acknowledged that the handling of PR strategy on some issues of public concern in the past year had not been very successful. It was in recognition of this inadequacy that the creation of the IC post was proposed to strengthen the PR aspects and the liaison with media. He re-affirmed the pledges by CE and the Administration to increase openness and transparency of the Government and referred members to the IC's specific tasks detailed in the discussion paper for the Subcommittee. The Information Co-ordinator (Designate) (IC(Des.)) also assured members that CE would continue to undertake an active and regular programme of public functions and the IC would oversee the planning and implementation of the programme on an on-going basis for the CE. In this respect, Miss LAU pointed out that the objective of increasing the openness and transparency of the Government could not be achieved simply by creating a high ranking post to handle PR and media-related matters. It was far more important for CE himself to come forward and meet LegCo Members and the local and overseas media more frequently to explain public policies. She considered the present arrangement of CE attending only three sessions each year to answer LegCo Members' questions grossly inadequate.

17. Mrs Selina CHOW said that Members of the Liberal Party (LP) appreciated the need to provide CE with the support of a senior directorate officer on PR matters and considered that the Administration was making the right move in strengthening its PR work. Members of the LP agreed that the IC's responsibilities as set out in the paper were very important and thus pitching the IC post at the D8 level was justified. Mrs CHOW stressed that CE should, being underpinned by the IC, be much more forthcoming and active in meeting LegCo Members and the media. In response, IC(Des.) took note of members' concerns and expectations and assured members that he would do his best in the new IC post.

18. As regards the mechanism through which public opinions gathered by the IC could be taken heed of in the policy formulation process, IC(Des.) advised that the IC would focus on gauging the views of opinion-formers including LegCo Members, political parties, the media, academics, editors and correspondents. In conjunction with relevant Bureaux Secretaries, the IC would monitor and analyse these views in the course of formulating and promulgating major policies. The IC would also advise on the appropriate timing for promulgation of policies with

reference to possible public responses and help formulate the overall PR strategy.

19. Mr SZETO Wah sought reasons for selecting Mr Stephen LAM for the post. In reply, SCS said that the appointments for senior directorate posts at D6 to D8 levels were decided by the Posting Board chaired by the Chief Secretary. All officers whose substantive ranking was at D6 or above would be eligible for consideration and in the selection process, reference was made to candidates' qualifications, experience and abilities. IC(Des.) referring to his experience in handling a number of controversial issues in the Department of Justice, reiterated his commitment to assisting the CE in enhancing transparency and openness of the work of the Government.

20. In reply to Mr Bernard CHAN who referred to a press report that the salary of the IC compared much higher than those of similar posts in other countries, SCS said that a strict comparison in terms of salary might not be appropriate as major factors such as the economic conditions, the structure of the Civil Service and staffing support given to the post, etc., varied from places to places. To elucidate, he pointed out that the IC's proposed responsibilities would encompass most of the functions of the key posts of the White House Spokesman and the Director of Communications in the United States. Mr Bernard CHAN nevertheless remarked that the Administration should make greater efforts to account for why the IC post should command such a high level of pay.

21. Referring to Mr Andrew WONG's comment that notwithstanding established guidelines, the decision on the ranking of a post inevitably involved personal judgement, SCS stressed that the advice of SCDCS was sought on the grading and ranking of all new permanent directorate posts, including the one in the present proposal. Members of the SCDCS were respectable members of the community with extensive knowledge about establishment matters. As regards individual SCDCS members' views on the IC post, SCS said that the Committee had only advised the Administration of its collective decision which supported the proposed grading and ranking of the IC post.

22. On whether a civil service appointment should be reported to the Central Government, SCS explained that the main consideration was the job nature, rather than the ranking, of a post. As in the case of the appointments of H/CPU and the Director of the Beijing Office, the Administration considered that the IC post should not be regarded as one of the principal officials referred to in the Basic Law. Therefore, its appointment would not have to be made by the Central Government. On the other hand, in accordance with the Basic Law, the Administration had to put the appointment of some D6 posts such as the Director of Immigration, the Commissioner for Customs and Excise and the Director of Audit to the Central Government because of their job nature. In this connection, Mr SZETO WAH queried that if posts of D8 ranking were not regarded as principal officials of HKSAR, the Administration could easily circumvent the reporting arrangement and the nationality requirements simply by creating new high-ranking (D8 or above) posts. In response, SCS re-affirmed that the Administration had carefully considered the need for reporting the appointment for the IC post having regard to the intent of the relevant provisions in the Basic

Law. He added that the Administration had taken the initiative to include certain new posts as principal officials such as the Secretary for Information Technology and Broadcasting.

23. On Miss Emily LAU's suggestion to review the ranking of the post in a year's time, SCS said that it was not a normal practice to review the ranking of a permanent post after its creation for a short period of time, but the Administration was prepared to keep Members posted of the work of the IC. IC(Des.) supplemented that future briefing and reporting to the relevant Panel(s) could be arranged pursuant to the requests of Members. Miss LAU maintained her view that given the unusual way the IC post was created, it was appropriate to review its ranking in a year's time.

24. The Chairman put the item to vote. 16 members voted for the item and four members voted against. None abstained -

For:

Mr David CHU Yu-lin
Mr Eric LI Ka-cheung
Mr NG Leung-sing
Mr MA Fung-kwok
Mr Bernard CHAN
Dr LEONG Che-hung
Mr Jasper TSANG Yok-sing
Mr YEUNG Yiu-chung
(16 members)

Dr Raymond HO Chung-tai
Dr David LI Kwok-po
Mrs Selina CHOW LIANG Shuk-yee
Mr CHAN Kwok-keung
Mr CHAN Wing-chan
Mr Andrew WONG Wang-fat
Mr Howard YOUNG
Miss CHOY So-yuk

Against:

Mr Michael HO Mun-ka
Mr CHEUNG Man-kwong
Miss Emily LAU Wai-hing
Mr SZETO Wah
(4 members)

25 The item was endorsed by the Subcommittee.

XX 26. Miss Emily LAU requested that this item be put to vote as a separate item at the Finance Committee meeting. The Chairman agreed to notify the Chairman of the Finance Committee of Miss LAU's request.

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**Extract from the minutes of meeting
of the Finance Committee on 15 January 1999**



Item No. 1 - FCR(98-99)60

**RECOMMENDATIONS OF THE ESTABLISHMENT SUBCOMMITTEE
MADE ON 16 DECEMBER 1998**

Pursuant to a request by Miss Emily LAU at the Establishment Subcommittee (ESC) meeting, the Chairman advised that EC(98-99)15 be considered separately.

2. Paper FCR(98-99)60, except item EC(98-99)15, was put to vote and approved.

EC(98-99)15 Proposed

- (a) creation of one new rank and permanent post of Information Coordinator (D8) in the Chief Executive's Office to be offset by the deletion of one permanent post of Administrative Officer Staff Grade B (D3) in the Information Services Department; and
- (b) the retitling of the existing post of Deputy Press Secretary to the Chief Executive (ranked at Assistant Director of Information Services (D2)) to Deputy Information Coordinator (Media Liaison) to enhance the transparency and openness of the Government

3. Members noted that the proposal had been discussed at length at the ESC and the joint Panel meeting of the Panels on Public Service and Home Affairs.

4. Mr Fred LI queried the justification for pitching the proposed Information Coordinator (IC) post at the D8 level instead of at a lower ranking at D4 or D6 as in the case of similar posts before the handover. Both Mr LI and Miss Emily LAU were not convinced that the importance and responsibilities of the IC post were comparable to those of a Bureau Secretary. Mr James TO stated his view that it was unacceptable in principle for the post of a spokesperson and that of a Bureau Secretary, which was similar to a minister, to be remunerated at the same level. To highlight the disparity, he pointed out that the management responsibilities of the Commissioner of Police, who was also remunerated at D8, far exceeded those of the IC.

5. In response, the Secretary for the Civil Service (SCS) advised that the ranking of a new post was determined with reference to the criteria drawn up by the Standing Committee on Civil Service Salaries and Conditions of Service. These criteria included the importance, urgency and complexity of the decisions and judgment required to be made by the post-holder, as well as the calibre and leadership abilities required. Having regard to the role and spectrum of responsibilities of the proposed IC post which were far more important than those of similar posts before the handover, the Administration considered it appropriate to pitch the post at D8 level. The Standing Committee on Directorate Salaries and Conditions of Service, which was consulted in accordance with the normal procedures, also expressed support for the proposed grading and ranking of the IC post.

6. Referring to Mr LEE Wing-tat's concern that the salary of the IC compared much higher than those of similar posts in other countries, SCS reiterated that a strict comparison in terms of salary might not be appropriate due to differences in economic conditions and the structure of the civil service. He nevertheless added that the staffing support available to the IC was much smaller than that provided for spokesperson posts in western democratic countries.

7. Elaborating on the responsibilities of the proposed IC post as described in the discussion paper, SCS reiterated that the key responsibilities of the IC included strengthening communication between the Special Administrative Region (SAR) Government and the public as well as formulating an effective public relations (PR) and media strategy, both being important elements for gaining public support for government policies. Although the job nature of the IC post was different from that of a Bureau Secretary in that it did not carry a designated policy portfolio, SCS stressed that the IC would be required to monitor major issues in all policy areas and in dealing with major unforeseen situations; he had to co-ordinate input from heads of Policy Bureaux and respond promptly to public concerns. The post should therefore be pitched at a sufficiently senior level to enable the post-holder to garner the necessary high-level support and perform his job effectively. SCS referred to posts such as the Head, Central Policy Unit and the Judiciary Administrator which were also without a policy and legislative portfolio but were also pitched at the D8 level on account of the importance of their work.

8. In reply to Dr YEUNG Sum's enquiry on the co-ordinating role to be performed by the IC, SCS explained that future working relationship between the IC and various policy bureaux would likely be an interactive one as the IC, being responsible for gauging the views of opinion-formers on policy issues and monitoring and analyzing the results of major public opinion polls, would provide his input in the process of policy formulation.

9. On communication between the Government and the public, Miss Emily LAU commented that there was better communication before the handover. She pointed out that it was far more important for the Chief Executive to be forthcoming in meeting the

public and accounting for Government policies, than to create a high-ranking post to deal with PR work with taxpayers' money. Mr Martin LEE also added that the merits of the policy per se, rather than participation or otherwise of the IC in the policy process, would determine whether the policy would be supported. He concurred that greater openness and public appearances by the Chief Executive might be more effective in boosting public support for the Government.

10. In response, SCS assured members that the Chief Executive would continue to undertake an active and regular programme of public functions and the IC would oversee the planning and implementation of the programme on an on-going basis for the Chief Executive.

11. Miss Margaret NG stated that she would object to the proposal as it was a serious flaw for the Administration to attribute all policy blunders to a lack of effective communication and presentation. She considered that the creation of the IC post failed to address the fundamental problem of bad policy making. Mr Albert HO shared similar view and queried that in the longer run, the Administration might revise its PR strategy into a form of propagandist tactics to publicize its policies. Mr LEUNG Yiu-chung was of the view that the merits of the policy in question was far more important than PR efforts which were mainly cosmetic. Mr SZETO Wah also pointed out that policy mistakes could not be concealed by good PR work.

12. Mr LEE Wing-tat was seriously concerned about performance indicators, if any, for assessing the performance of the IC and asked whether the popularity rating or greater openness on the part of the Chief Executive would be one of such indicators.

13. In reply, the IC(Designate) stressed that the key objective of the IC post was to enhance the transparency and openness of the Government. The ultimate measure of success would be whether or not Government policies could be well understood by the community at large. On Mr LEE Wing-tat's comment that such a yardstick was too abstract, IC(Designate) pointed out that quantitative data such as the number of media briefings would continue to be compiled. On the operational front, IC(Designate) advised that the Administration would seek greater media coverage on Government policies and would provide information to the media to help them prepare news reports.

14. Referring to the Administration's enhanced productivity programme (EPP), Mr LEE Cheuk-yan said that while the EPP was vigorously enforced among junior civil service staff, the Administration should achieve productivity gains by entrusting less senior directorate officer with responsibilities of a higher rank. It was therefore not necessary for pitching the IC post at D8. In response, SCS confirmed that in accordance with established civil service policies, a post would be remunerated at a level commensurate with its responsibilities and the Administration would not seek to pitch a post at a lower rank solely for the purpose of cost-saving. SCS added that most of the cost for creating the IC post had been offset by other savings and the additional annual provision required was only in the region of \$600,000.

15. Mr CHEUNG Man-kwong stated that Members of the Democratic Party (DP) would object to the proposal on the following grounds:

- (a) the appointment of the IC was an arbitrary decision by the Chief Executive and a precedent of not following the spirit of the rule of law;
- (b) the officer to be appointed to the post was announced prior to approval by the Finance Committee for the creation of the post; and
- (c) the IC, being the spokesperson for the Chief Executive, was not subject to the nationality requirements applicable to principal officials of the SAR under the Basic Law.

16. Mr CHEUNG stressed that even some senior Government officials had expressed similar views, and he believed that members of the public would not be convinced of the need to create the IC post at such a high rank. His views were echoed by Mr James TO and Mr Albert HO. Mr HO was also concerned about the possible overlapping of duties between the Chief Secretary and the IC on improving co-ordination among the various policy secretaries.

17. SCS pointed out that the present proposal was endorsed at the ESC meeting by the majority of members present. He stressed that whether the creation of the IC post would be acceptable to the public at large should best be decided by the latter with regard to the performance of the IC in future.

18. In response to Miss Christine LOH's further query about the unusual arrangement of announcing the appointment of the post-holder prior to the creation of the post, SCS advised that as the Posting Board had decided on the appointment for the IC post in October 1998, the Administration considered it appropriate and timely to make early announcement so as to curb speculation. However, in the light of members' concerns expressed at the meetings of the ESC and joint Panels, he assured members that the exceptional arrangements adopted in the present case would by no means be regarded as a precedent.

19. Referring to her own experience, Miss Christine LOH said that the Chief Executive's Office did not reply to letters and she urged that this should be rectified. In reply, the Private Secretary to the Chief Executive clarified that replies were issued to all letters addressed to the Chief Executive including those sent by Miss LOH, although some of these replies were not signed by the Chief Executive personally. He confirmed that the Chief Executive's Office would always endeavour to provide replies as quickly as practicable.

20. Mr Bernard CHAN informed the meeting that he had made arrangements for members of his functional constituency to meet Mr Stephen LAM, IC(Designate), and

feedbacks from his constituency were favourable. On his work plans and objectives, IC(Designate) recapitulated that the establishment of an IC post was a major step forward in enhancing the transparency and openness of the SAR Government, as confirmed by views he had received in the course of consultation with various opinion-formers on the future tasks of the IC post. IC(Designate) acknowledged that there was room for improvement in the Government's handling of PR and the dissemination of information over policy issues of public concern. He assured members that apart from doing his best, he would work closely with Bureau Secretaries and the Information Services Department in the new IC post.

21. Whilst indicating support for the proposal, Mr Andrew WONG was of the view that the IC post should not be ranked at D8 and he urged the Administration to seriously review the appropriateness of the said ranking. He considered that the unusual appointment arrangements adopted in the present case were inappropriate and should not set a precedent.

22. On behalf of Members of the Liberal Party (LP), Mrs Selina CHOW expressed support for the proposal. Members of the LP agreed that the IC's responsibilities as set out in the information paper were very important and thus pitching the post at the D8 level was justified. Mrs CHOW stressed that being underpinned by the IC, the Chief Executive should be more forthcoming and active in meeting the public. She further pointed out that if the IC performed his role well, greater openness and improved communication would result and these would be beneficial for Legislative Council Members, the media and the community at large.

23. The item was put to vote: 36 members voted for the proposal, 19 members voted against and none abstained.

For:

Mr Kenneth TING Woo-shou

Mr David CHU Yu-lin

Mr Edward HO Sing-tin

Mr Eric LI Ka-cheung

Dr LUI Ming-wah

Prof NG Ching-fai

Mr MA Fung-kwok

Mr CHAN Kwok-keung

Mr Bernard CHAN

Mr CHAN Kam-lam

Mrs Sophie LEUNG LAU Yau-fun

Mr Andrew WONG Wang-fat

Mr Jasper TSANG Yok-sing

Mr YEUNG Yiu-chung

Mr LAU Wong-fat

Mr Ambrose LAU Hon-chuen

Mr James TIEN Pei-chun

Mr HO Sai-chu

Dr Raymond HO Chung-tai

Mr LEE Kai-ming

Mr NG Leung-sing

Mrs Selina CHOW LIANG Shuk-ye

Mr HUI Cheung-ching

Miss CHAN Yuen-han

Mr CHAN Wing-chan

Dr LEONG Che-hung

Mr Gary CHENG Kai-nam

Mr WONG Yung-kan

Mr Howard YOUNG

Mr LAU Kong-wah

Mrs Miriam LAU Kin-ye

Miss CHOY So-yuk

Mr Timothy FOK Tsun-ting
Mr FUNG Chi-kin
(36 members)

Mr TAM Yiu-chung
Dr TANG Siu-tong

Against:

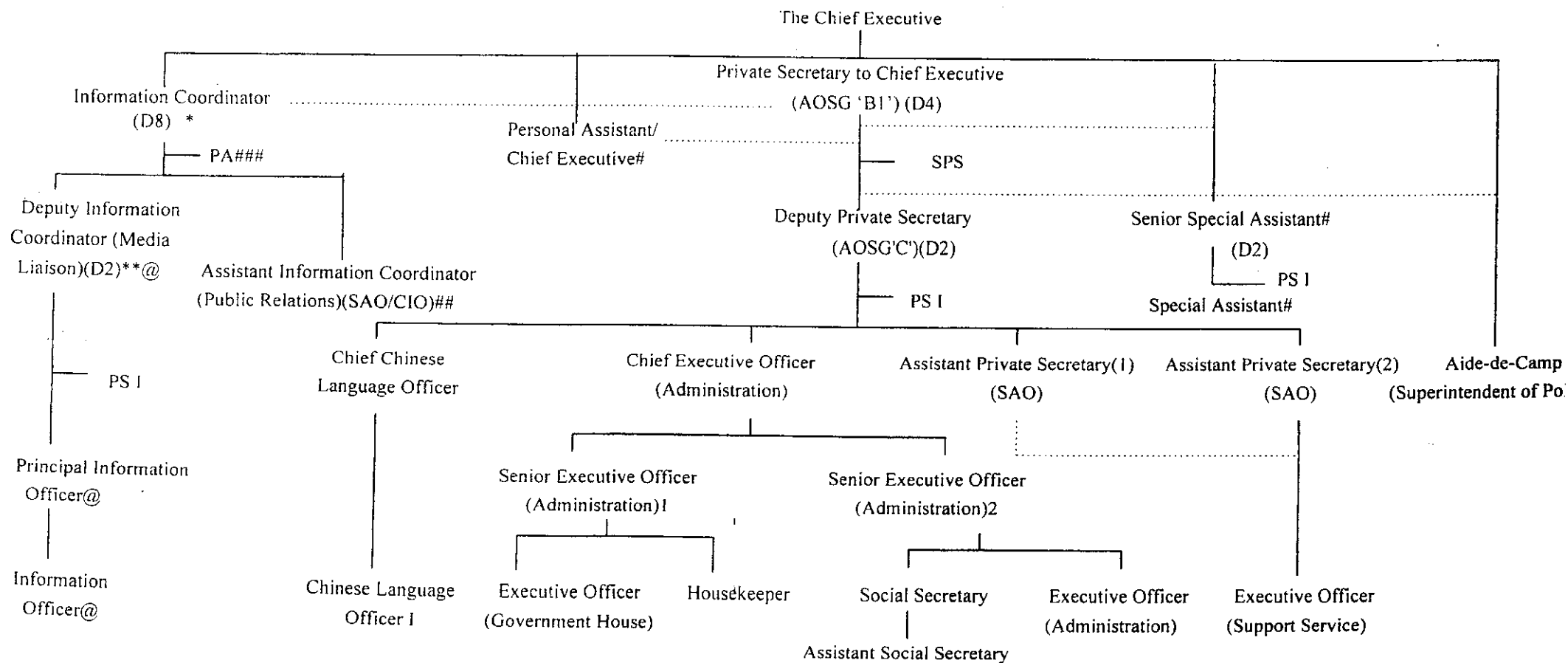
Miss Cyd HO Sau-lan
Mr Michael HO Mun-ka
Mr LEE Cheuk-yan
Mr Fred LI Wah-ming
Mr James TO Kun-sun
Miss Christine LOH
Mr SIN Chung-kai
Mr LAU Chin-shek
Mr Andrew CHENG Kar-foo
Mr LAW Chi-kwong
(19 members)

Mr Albert HO Chun-yan
Mr LEE Wing-tat
Mr Martin LEE Chu-ming
Miss Margaret NG
Mr CHEUNG Man-kwong
Mr LEUNG Yiu-chung
Dr YEUNG Sum
Miss Emily LAU Wai-hing
Mr SZETO Wah

24. The Committee approved the proposal.



Revised Organisation Chart of the Chief Executive's Office



- * New post
- ** Retitling of existing post
- # Non-civil service appointment
- ## New post to be created in 1999-2000 to be offset by a post of Chief Information Officer in ISD
- ### New post to be created in 1999-2000
- @ On establishment of ISD
- PA Personal Assistant

(Source: Enclosure 9 to EC(1998-99)15, item for ESC discussion at the meeting on 16 December 1998.)

Job Description of the Director of Chief Executive's Office

The Director of the Chief Executive's Office works to the Chief Executive. He will assist the Chief Executive in overseeing the running of the Office. The Director will focus mainly on performing the current duties and functions of the Information Coordinator and overseeing the running of the Executive Council Secretariat.

Executive Council Secretariat

2. In overseeing the running of the Executive Council Secretariat, the Director will ensure -

- (a) that the meeting agenda of the Executive Council reflects the overall priority of the Government's policy agenda as determined by the Chief Executive, with the assistance of the Chief Secretary of Administration and the Financial Secretary;
- (b) that the advice of the relevant Executive Council Sub-committees is promptly put to the Executive Council, when relevant items are submitted to the Council for consideration; and
- (c) that the decision of the Chief Executive-in-Council is properly recorded and conveyed by the Secretariat to the relevant principal officials, policy bureaux and departments concerned.

Information Coordination

3. In covering the role of information coordination, the Director will be responsible for the following duties -

Media & Public Relations Strategy

- (a) formulating the media and public relations strategy for handling the announcement on major issues and policies;
- (b) developing, in conjunction with the relevant policy bureaux, a uniform and coordinated set of Government positions and lines-to-take on such major issues ahead of time;
- (c) coordinating with the relevant policy bureaux and departments to ensure that a uniform stance is taken in presenting the Government's position on the respective issues;

/(d)

- (d) attending Executive Council meetings and advising on the media and public relations aspects of relevant issues;

Spokesman for Chief Executive & Media Liaison

- (e) conducting press sessions, as Spokesman for the Chief Executive, to state the Government's position on matters of topical interest, to clarify specific issues and to respond to the media on particular angles of interest;
- (f) coordinating the media and public relations strategy for handling major unforeseen events;

Media & Public Relations

- (g) liaising with the media and assisting the relevant bureaux in strengthening the Government's communication with the media, political parties, Members of the Legislative Council and interest groups who have expressed interest in the public policies concerned;
- (h) taking into account these views expressed in formulating the Government's media and public relations strategy in respect of key policy issues;

CE's Public Engagements Programme

- (i) planning and implementing an on-going programme of public functions for the Chief Executive including speaking engagements, overseas visits, community visits, meetings with editors and correspondents and press conferences;
- (j) designing the messages for the Chief Executive to deliver on public occasions; and

Monitoring Public Opinion

- (k) coordinating with relevant bureaux and departments to analyse public opinion polls, to assess public opinion as reflected in media reports and to reflect significant results to bureaux and departments concerned for these to be taken into account in policy formulation.

(Source: Enclosure 5 to EC(2002-03)2, items for ESC discussion at the meeting on 6 June 2002.)

**Extract from the minutes of meeting
of the Subcommittee to Study the Proposed
Accountability System for Principal Officials and Related Issues
on 14 May 2002**



Chief Executive's Office

5. Information Coordinator (IC) took members through the Administration's paper (LC Paper No. CB(2)1929/01-02(01)) on the changes to CE's Office and the role and functions of the Director of CE's Office after the introduction of the accountability system. IC stressed that the changes to the role and functions of the post of IC and the ExCo Secretariat were to complement the introduction of the accountability system, and there would not be any changes to the set-up of the ExCo Secretariat.

6. Mr Howard YOUNG and Ms Emily LAU asked about the rationale for transferring the ExCo Secretariat from the Chief Secretary for Administration (CS)'s Office to CE's Office. Ms LAU also asked whether it was because the working relationship between CS's Office and the ExCo Secretariat had not been very smooth in the past. Dr YEUNG Sum expressed concern about the future working relationship between the Director and CS, if the former was to work to CE.

7. Mr Kenneth TING sought clarification whether the agenda of ExCo would be decided by CE after the ExCo Secretariat was transferred to CE's Office. Mr CHEUNG Man-kwong and Ms Emily LAU asked whether the Director would take part in drawing up the agenda of ExCo and have the authority to determine the priority and timing for a proposal to be discussed by ExCo. Mr CHEUNG further asked whether the transfer of the ExCo Secretariat from CS's Office to CE's Office meant that CS would cease to be the coordinator for the ExCo agenda.

8. Mr CHEUNG Man-kwong also sought clarification on the meaning of "other matters within the Office as directed by CE". Mr CHEUNG and Mr Andrew WONG were concerned that the Director might become CE's "special envoy" and this would give him too much power or influence over the work of bureaux and departments and even non-government institutions.

9. IC responded that under the accountability system, the principal officials would be responsible for developing and formulating the policies under their respective portfolios. CS would assist CE in supervising the policy bureaux and play a key role

in coordinating the formulation and implementation of policies. IC further said that the agenda of ExCo was ultimately a matter for CE to decide and he would continue to rely on the assistance of the Secretaries of Departments. IC added that the agenda for ExCo meetings would be determined having regard to the priorities of the different policies and these might change over time. The present internal procedures were that CS's approval must be obtained before any urgent items could be added to the agenda of ExCo, and such arrangement would continue after the introduction of the accountability system. He said that the existing arrangements had proven effective. IC further said that the transfer of ExCo Secretariat from CS's Office to CE's Office was an administrative arrangement to enhance efficiency. He added that the Director was responsible to CE and must take instructions from CE. While the Director would not be a member of ExCo, he would attend ExCo meetings in the same way as IC currently did.

10. Dr Philip WONG enquired about the delineation of responsibilities between the Director and the Private Secretary to CE. IC said that the Private Secretary to CE and the Senior Special Assistant to CE would organise CE's appointments, visits and meetings with local and overseas dignitaries, while the Director would assist in the more important events involving senior officials from the Central People's Government (CPG). The Director would assist CE in overseeing the running of CE's Office.

11. Mr NG Leung-sing asked whether the Director could be transferred to another post in the civil service during his tenure. Mr NG also asked whether the Director would be a political appointee, and whether he would be subject to the same post-office restrictions as those applied to senior civil servants.

12. IC advised that the Director was a political appointee, and his term of appointment would not exceed that of CE who selected him for appointment. Secretary for the Civil Service said that if the incumbent was selected for appointment by CE from within the civil service, he would be appointed on non-civil service contract terms and he would not be transferred to other posts in the civil service. IC further said that although the Director was not a principal official, he would play an important role and work closely with principal officials. He was therefore expected to abide by the highest standards of public service and would be subject to the same regulations and "sanitisation" requirements after expiry of office in the same way as the principal officials.

13. Mr HUI Cheung-ching asked about the working relationship between CE's Office and the Central Policy Unit (CPU), and whether the Administration has considered transferring CPU to CE's Office. IC responded that the Administration did not have any plan to transfer CPU to CE's Office. He said that CPU would continue to advise on the formulation of long-term policies, after the introduction of the accountability system. The Director of CE's Office would focus on the short to

medium term research work related to CE's Office, and would maintain close liaison and contact with CPU, particularly in preparing CE's annual Policy Address.

14. Mr Albert HO commented that with the transfer of ExCo Secretariat to CE's Office, the executive powers would be concentrated in the hands of CE. Mr HO considered that as the declaration of investment and interests of ExCo members would be dealt with by the ExCo Secretariat, it would be more appropriate for the post of the Director to be filled by a civil servant who was politically neutral.

15. IC said that there was a well established system for making declaration of investment and interests by ExCo members, and the records were kept by the ExCo Secretariat for public inspection. In addition to the Clerk to ExCo who was currently a civil servant at D2 rank, most of the other staff working in CE's Office would continue to be civil servants. If the Clerk to ExCo was unable to discharge his duties due to leave or other reasons, arrangement would be made for another civil servant in the ExCo Secretariat to act in his absence.

16. Miss Margaret NG sought clarification whether the Director was politically neutral. IC said that the post holder would be appointed on noncivil service contract terms and would be one of the political appointees under the accountability system. Responding to Dr YEUNG Sum, SCA said that the Director was not within the meaning of "principal officials" as stipulated in the Basic Law.

17. Miss Margaret NG said that the current duties and functions of IC included explanation of public policies, and this was contrary to the confidential modus operandi of ExCo. She was concerned that the independence of ExCo would be undermined if the ExCo Secretariat was placed under the Director who was a political appointee under the accountability system. IC responded that it was stipulated in the Basic Law that ExCo was to assist CE in the making of policies and there was no question that ExCo operated as an independent body. IC further said that he did not envisage any conflict in roles for the Director to carry out the current duties of IC and oversee the running of the ExCo Secretariat. He explained that the Director would attend ExCo meetings in the same way as the IC was currently in attendance, and would provide input on major issues from the public relations and media perspective. Where appropriate, the Director would also need to explain policy decisions made by ExCo.

18. To facilitate members' better understanding of the role and functions of the post of the Director of CE's Office, Mr CHEUNG Man-kwong requested the Administration to provide a detailed job description for the post. Miss Margaret NG urged that the job description should be made available to members at the earliest opportunity. Mr CHEUNG considered that, given the importance of the post and the fact that the Director of CE's Office was a political appointee, the incumbent should be accountable to the public and there should be checks against possible abuse of office.

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19. IC advised that like other public servants, the Director would be dedicated to his duties and responsible to the Government of the HKSAR. The Director would act in accordance with the laws of Hong Kong and also be subject to the legislation applicable to public servants. IC further said that the Director would be answerable to CE. In addition, the Director would have to answer Members' questions as necessary and be accountable to the public on the work of CE's Office. As requested by members, IC agreed to provide the job description of the Director before the motion debate on 29 May 2002.

20. Mr Albert HO sought clarification whether the post of the Director of CE's Office was part of the accountability system and whether the incumbent would be held politically accountable for his work although he would not be a principal official. IC reiterated that the post holder was a political appointee, and he would have to abide by the Code for Principal Officials. Mr Albert HO was of the view that the Director should not be filled by a political appointee, as he was not a principal official.

21. Miss Margaret NG asked whether the Director would be responsible for the integrity checking of the prospective candidates for appointment as principal officials, and whether such work could be completed in time before they assumed office on 1 July 2002. IC said that integrity checking on prospective candidates would be conducted according to the established mechanism, before they were nominated for appointment as principal officials.

22. The Chairman asked whether the Director of CE's Office would in future be empowered to sign on behalf of CE under section 62 of Cap. 1, which was presently vested in the Clerk to ExCo. IC said that under the accountability system, the present arrangement for the Clerk to ExCo to sign on behalf of CE in accordance with section 62 of Cap. 1 would continue. There would be no change to the duties of the Clerk to ExCo.

23. Mr Andrew WONG was of the view that as the Director would oversee the running of the ExCo Secretariat, the post should be filled by a civil servant. He expressed concern about the absence of checks on the Director who would be a political appointee but would not have political accountability. Mr WONG further asked whether the proposed changes to the current duties and functions of the IC post would be submitted to Establishment Subcommittee (ESC) for approval. SCA responded that ESC's approval would be sought if there were changes in the directorate establishment.

24. Miss Margaret NG enquired about the features of the post of the Director as it would be a political appointment. IC reiterated that the Director would perform the current duties and functions of IC, and oversee the running of the ExCo Secretariat and CE's Office. IC explained that the work of the Director was political in nature. As the Director would be one of the political appointees to be selected by CE, his term of appointment would not exceed that of CE.

25. Mr Andrew WONG asked who would be the Controlling Officer of CE's Office under the proposed accountability system. SCA said that the existing Controlling Officer of CE's Office was the Private Secretary to CE, and he would continue to assume such role after the introduction of the accountability system.

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



Creation of a non-civil service position of Director of Chief Executive's Office

22. On the proposed creation of the position of the Director of Chief Executive's Office (DCEO) offset by the deletion of the civil service post of Information Coordinator (IC), Ms Emily LAU reiterated her concern about the special status of the DCEO post. While the position of DCEO was a political appointment, the postholder was not a principal official but would have to abide by the Code applicable to principal officials under the accountability system (the Code for Principal Officials). She questioned the underlying rationale for such an arrangement.

23. In reply, SCA said that in view of the special status of the DCEO as a political appointment, the postholder would be required to abide by the Code for Principal Officials and other relevant legislation and regulations applicable to principal officials under the accountability system. IC further advised that although DCEO was not a principal official under the accountability system, as a member of the senior administration of the Hong Kong Special Administrative Region (HKSAR) Government, DCEO's key responsibilities often involved political judgement. Firstly, the Director had to ensure that the agenda of the Executive Council reflected the priorities of the overall policy agenda of the Government; decisions on the best timing for putting up issues for public discussion often involved political judgement. Secondly, the work on information coordination involved the formulation of public relations strategies for handling major issues and policies and for securing community support. Thirdly, in assisting the Chief Executive (CE) in overseeing the running of the Chief Executive's Office, DCEO had to liaise with different sectors of the community and make arrangements for CE to gauge their views. In view of the aforesaid requirements, the Administration had considered it more appropriate to designate the DCEO position as a non-civil service post. DCEO would be answerable to CE for his/her work, and in case DCEO made serious mistakes in his/her work or lost public confidence, he/she might have to be dismissed by CE. IC assured members that the appointment arrangements for the DCEO post were similar to those for comparable positions in other jurisdictions.

24. Ms Emily LAU asked whether the requirement for prospective principal officials to disclose their membership of or affiliation to any political organization would apply to DCEO. In reply, SCA said that as previously explained, each principal official candidate should disclose his/her political affiliation to CE, and it would be for CE to decide whether to put forward the nomination to the Central People's Government, having regard to the principles set out in the Code for Principal Officials. Such information would be made available for public inspection upon request. SCA confirmed that the same disclosure requirement would apply to DCEO. On Ms LAU's concern about the sanction on failure to observe this requirement, SCA explained that under such circumstances, DCEO's integrity would be called into question. In deciding whether or not the Director should be dismissed, CE would take into consideration, among other things, the Director's loss of public support, as well as any vote of no confidence on him/her that might have been passed by LegCo.

25. In reply to Ms Emily LAU, SCA confirmed that the Administration had undertaken to include reference to DCEO in the composite circular to be issued to the civil service. Members noted that the circular, which set out the working relationship between principal officials and civil servants, aimed at fostering a spirit of trust between principal officials and the civil servants working with them. In this connection, Ms LAU requested a copy of the composite circular be provided for members' reference after it had been prepared in consultation with the relevant civil servants' associations.

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**Extract from the minutes of meeting
of the Finance Committee on 14 June 2002**

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20. Mr Andrew WONG stated his objection to the present proposal. While he agreed that principal officials should be accountable, he could not accept the accountability system as currently proposed. In this regard, he expressed his view that the civil service should be headed by a Permanent Secretary at D9 or D10 rank. The proposed Director of Chief Executive's Office position should either be filled by a civil servant, or a political appointee as one of the principal officials, similar to the Chief Cabinet Secretary in Japan. He was disappointed that the Administration had not given any undertaking to establish constitutional conventions. In giving his views on an accountability system, Mr WONG suggested, inter alia, that the Chief Executive should seek to secure support from a majority of Council Members for his policies.

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Re-organization of the Chief Executive's Office

List of relevant papers (Position as at 18 November 2005)

Paper/Document	LC Paper No.
Paper provided by the Administration to ESC on the non-civil service appointment of a SSA and the creation of a permanent post of ADIS	EC(97-98)18 <i>(discussed at the ESC meeting on 2 September 1997)</i>
Minutes of ESC meeting on 2 September 1997	PLC Paper No. ESC11 <i>(paragraphs 3 to 12)</i>
Hansard of the LegCo meeting on 28 April 2004 (Motion moved by Hon CHEUNG Man-kwong on deletion of the SSA post)	—
Paper provided by the Administration to ESC on creation of a permanent IC post and re-titling of existing post of DPS	EC(98-99)15 <i>(discussed at the joint meeting of PS Panel and HA Panel on 9 December 1998 and ESC meeting on 16 December 1998)</i>
Minutes of joint meeting of the PS Panel and HA Panel on 9 December 1998	CB(2)890/98-99 <i>(paragraphs 3 to 32)</i>
Minutes of ESC meeting on 16 December 1998	ESC24/98-99 <i>(paragraphs 10 to 26)</i>
Minutes of FC meeting on 15 January 1999	FC119/98-99 <i>(paragraphs 1 to 24)</i>
Paper provided by the Administration on "Director of the Chief Executive's Office"	CB(2)1929/01-02(01) <i>(discussed at the meeting of the Subcommittee to Study the Proposed Accountability System for Principal Officials and Related Issues held on 14 May 2002)</i>

Paper/Document	LC Paper No.
Minutes of meeting of the Subcommittee to Study the Proposed Accountability System for Principal Officials and Related Issues on 14 May 2002	CB(2)2857/01-02 <i>(paragraphs 5 to 25)</i>
Hansard of the LegCo meeting on 29 May 2002 (Government motion on the accountability system for principal officials)	—
Paper provided by the Administration to ESC on staffing proposals to facilitate implementation of the accountability system for principal officials (including the creation of one non-civil service position of DCEO)	EC(2002-03)2 <i>(discussed at the ESC meeting on 6 June 2002)</i>
Minutes of ESC meeting on 6 June 2002	ESC41/01-02 <i>(paragraphs 22 to 25)</i>
Minutes of FC meeting on 14 June 2002	FC6/02-03 <i>(paragraph 20)</i>
Hansard of the LegCo meeting on 19 October 2005 (Written question raised by Hon TAM Heung-man on temporary civil service directorate posts)	—
CE's Policy Address delivered on 12 October 2005	<i>(paragraph 22)</i>