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Establishment Subcommittee of the Finance Committee

Minutes of the 8th meeting
held in Conference Room A of Legislative Council Building
on Friday, 20 June 2008, at 5:15 pm

Members present:

Hon LI Fung-ying, BBS, JP (Chairman)
Hon WONG Kwok-hing, MH (Deputy Chairman)
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon WONG Yung-kan, JP
Hon Howard YOUNG, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon WONG Ting-kwong, BBS
Hon KWONG Chi-kin

Members absent:

Hon James TIEN Pei-chun, GBS, JP
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Dr Hon David LI Kwok-po, GBM, GBS, JP
Hon SIN Chung-kai, JP
Dr Hon YEUNG Sum
Dr Hon KWOK Ka-ki
Hon Patrick LAU Sau-shing, SBS, JP

Public Officers attending:

Miss Amy TSE, JP	Deputy Secretary for Financial Services and the Treasury (Treasury)
Mrs Sarah KWOK, JP	Deputy Secretary for the Civil Service

Mr Alfred FOK	Principal Executive Officer (General), Financial Services and the Treasury Bureau (The Treasury Branch)
Mr Byron NG Kwok-keung	Assistant Commissioner for Labour (Labour Relations)
Mr Philip YUNG, JP	Deputy Secretary for Transport and Housing (Transport)1
Mr WAI Chi-sing, JP	Director of Highways
Mr WAN Man-lung, JP	Principal Government Engineer/Railway Dev., Highways Department
Miss Emma LAU Yin-wah, JP	Judiciary Administrator
Mr Clement LI Wan-suen	Assistant Judiciary Administrator (Corporate Services)

Clerk in attendance:

Ms Debbie YAU	Senior Council Secretary (1)1
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Staff in attendance:

Mrs Constance LI	Assistant Secretary General 1
Mr Justin TAM	Council Secretary (1)3
Mr Simon CHEUNG	Council Secretary (1)1
Ms Alice CHEUNG	Senior Legislative Assistant (1)1
Mr Frankie WOO	Legislative Assistant (1)2

The Chairman drew members' attention to an information paper (ECI(2008-09)4) provided by the Administration before the meeting, which set out the latest changes in the directorate establishment approved since 2002.

EC(2008-09)7 Proposed deletion of one permanent post of Chief Labour Officer (D1) in Labour Department and consequently redistribution of duties among the directorate posts responsible for the Labour Relations Programme

2. The Chairman informed members that the Panel on Manpower had circulated a paper provided by the Administration on the proposed deletion of one permanent post of Chief Labour Officer (CLO) (D1) in the Labour Department.

3. Mr WONG Kwok-hing was concerned whether there would be adequate manpower to cope with the workload for duties relating to wage protection movement (WPM) and enforcement of labour tribunal awards subsequent to the proposed deletion of the CLO post.
4. The Assistant Commissioner for Labour (Labour Relations) (AC(LR)) advised that WPM was not under the portfolio of the Labour Relations (LR) Programme of the Labour Department. He understood that a Senior Labour Officer post was created in April 2008 to undertake preparatory work for possible introduction of a statutory minimum wage for cleaning workers and security guards. As regards the enforcement of Labour Tribunal awards, AC(LR) said that from July 2008 onwards, an Assistant Labour Officer each in the ten offices of the Labour Relations Division would take up the related duties on a part-time basis. He further explained that such duties were executive in nature and would not take up too much time of the directorate grade staff. As such, the deletion of the Chief Labour Officer post under the LR Programme should not affect the tasks related to the two areas of work as mentioned by Mr WONG Kwok-hing.
5. The item was voted on and endorsed.

EC(2008-09)8

Proposed creation of one supernumerary post of Chief Engineer (CE) (D1) in Highways Department for a period of seven years with effect from 7 July 2008 to take up the planning and implementation of the proposed Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link project

6. The Chairman informed members that the Panel on Transport had been consulted on the proposal at the meeting on 16 May 2008.
7. Mr WONG Kwok-hing reiterated his concern expressed at the relevant meeting of the Finance Committee held on the same day about the employment opportunities of the local workers in the planning and implementation of the proposed Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL). He hoped that the incumbent of the proposed supernumerary Chief Engineer (D1) post would address such concerns during his tenure. The Director of Highways responded that he would remind the incumbent of the post to promote the employment of local workers in the project according to existing labour policy and within the framework of the World Trade Organization Agreement on Government Procurement signed by the Government, and to discuss the matter with the labour sector soon.

8. Mr Howard YOUNG recalled that the proposed post was included in the Administration's paper on the forecast of directorate establishment in the 2007-2008 legislative session (ECI(2007-08)8 - "Update on Overall Directorate Establishment Position") as one of the possible staffing requirements at the directorate level under review. He noted that after the review, the Administration now proposed to create a supernumerary CE post for a period of seven years, which was rather unusual for a supernumerary post. Nevertheless, he considered the duration of the post acceptable given the complexity and scale of the XRL project.

9. The Deputy Secretary for Transport and Housing (Transport) (DS(T)) advised that at the time of making the forecast, there were still uncertainties regarding the implementation of the Hong Kong section of the XRL project. It was now decided to proceed with the further planning and design with a view to finalizing the work within 2008, so that construction could commence in 2009 aiming at completion in 2014 or 2015 the earliest. In view of the implementation timeframe, the Administration now proposed to create the supernumerary post for a period of seven years. In response to Mr YOUNG's further enquiry, DS(T) clarified that XRL and the Hong Kong-Shenzhen Airport Rail Link were two separate projects. The Administration was exploring with the Shenzhen authorities the feasibility of developing a rail link to enhance the integration of the Hong Kong International Airport and the Shenzhen Airport.

10. Ms Emily LAU expressed support for the staffing proposal. She was pleased to note that the Administration was currently pressing ahead with various major rail and road projects. She urged the Administration to expedite the implementation of the projects in order to alleviate the aggravating traffic congestion problems, in particular those relating to the cross-harbour tunnels. Referring to the indicative implementation schedule of railway projects under construction/planning (enclosure 4 to EC(2008-09)8), Ms LAU was concerned why it would take so long to commission the Shatin to Central Link (SCL) which was scheduled for completion in 2019.

11. DS(T) explained that SCL was a highly complicated project. It was the Administration's plan to complete the section between Tai Wai and Hung Hom before 2015, and the remaining section between Hung Hom and Admiralty in 2019. As the construction of the latter section would involve construction of a cross-harbour tunnel and the need to tie in with the works of other major projects, the entire SCL project would take a longer time to complete.

12. The item was voted on and endorsed.

EC(2008-09)9

Proposed creation of a new rank of Principal Family Court Judge, District Court (JSPS 14) and nine permanent posts of one Justice of Appeal of the Court of Appeal of the High Court (JSPS 17), five Judges of the Court of First Instance of the High Court (JSPS 16), one Principal Family Court Judge, District Court (JSPS 14), one Judge of the District Court (JSPS 13) and one Deputy Registrar, District Court (JSPS 10) to be offset by deletion of two permanent posts of one Judge of the District Court (JSPS 13) and one Principal Magistrate (JSPS 11) in Judiciary to strengthen the establishment of the respective courts and Masters Office to meet operational needs and to keep waiting times within target without having to rely heavily on temporary judicial resources

13. The Chairman informed members that the Panel on Administration of Justice and Legal Services (the AJLS Panel) was consulted on the proposal at the meetings on 26 and 29 May 2008.

14. Ms Margaret NG, Chairman of the AJLS Panel, said that the Panel supported the staffing proposal. She reported that at the Panel meeting held on 29 May 2008, the Judiciary Administration had provided a paper to address various issues raised by members at the previous meeting. The Panel noted that due to the insufficient number of Justices of Appeal in recent years, only about 42% of the cases between 2004 and 2007 were heard by divisions constituted solely by substantive Justices of Appeal in the Court of Appeal (CA). In order to maintain reasonable waiting times for cases heard in the CA, the remaining cases were heard by divisions containing one or two Judges of the Court of First Instance (CFI). The arrangement of having many CFI Judges sitting as additional judges of CA was considered unsatisfactory, as CA was a higher level of court and was intended to be filled by substantive Justices of Appeal. Moreover, against an establishment of 27 Judges of the CFI, only about 23.2 posts were actually deployed for judicial work. It was because CFI Judges were also engaged in non-judicial work under various statutory functions. In addition, some CFI Judge posts were created to hear cases in the Insider Dealing Tribunal and to cope with work arising from the implementation of a new regime for the regulation of interception of communications and covert surveillance provided for under the Interception of Communications and Surveillance Ordinance (Cap. 589). This had in fact meant that less judicial resources were available for court work at the CFI. As such, the proposed creation of the new rank and the judicial posts could strengthen the establishment of Judge and Judicial Officer posts to meet the operational needs of the respective courts.

15. Ms NG further reported that members of the Panel had expressed concern about the effectiveness of the listing system. To avoid mismatch and improve efficiency, due regard should be given to the streams of expertise of the judges in listing of cases. Moreover, members observed that to optimize utilization of

judicial resources, there were back-to-back listing of cases for judges. They were keen to ensure that judges would be given adequate time to prepare for the cases and write judgments.

16. Ms Emily LAU noted from the Judiciary Administration's paper (paragraph 6 of EC(2008-09)9) that while financial resources were provided by the relevant bureaux of the Administration to the Judiciary for engaging CFI Judges in non-judicial work under various statutory functions, no judicial posts were created correspondingly. She sought explanation from the Judiciary Administration.

17. The Judiciary Administrator responded that Judges of the CFI were engaged in non-judicial work under various statutory functions, namely, the Electoral Affairs Commission, the Securities and Futures Appeal Tribunal and the Clearing and Settlement Systems Appeal Tribunal. Given that each of these areas of work took up only 20% to 50% of a CFI Judge's time, the Judiciary Administration had used the financial resources provided by the relevant bureaux to appoint temporary judges instead of creating full-time judicial posts. However, it was considered unsatisfactory in the long term for the Judiciary to rely heavily on temporary judicial resources. Therefore, the Judiciary Administration proposed to create permanent judicial posts to meet the operational needs of the courts.

18. The item was voted on and endorsed.

EC(2008-09)10 Proposed upgrading the permanent post of Assistant Judiciary Administrator (Corporate Services) from Principal Executive Officer (D1) to Senior Principal Executive Officer (D2) and creation of one permanent post of Principal Executive Officer (D1) to head the Quality Division in Judiciary to strengthen the directorate structure in the Judiciary Administration

19. The Chairman informed members that the AJLS Panel was consulted on the proposal at the meetings on 26 and 29 May 2008. Members noted that the Panel supported the staffing proposal.

20. The item was voted on and endorsed.

21. The Subcommittee was adjourned at 5:40 pm.