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**Panel on Constitutional Affairs**

**Background brief prepared by the Legislative Council Secretariat  
for the meeting on 25 January 2017**

**Establishment of the Office of the Chief Executive-Elect**

**Purpose**

This paper summarizes the past discussion of the Panel on Constitutional Affairs ("the Panel") on the establishment of the Office of the Chief Executive-elect ("CE-elect") for the fourth-term Government.

**Background**

First-term to third-term CEs

2. In December 1996, upon election of the first-term CE, a new Office for the CE-designate was set up to support his preparation for the establishment of the Special Administrative Region Government. The CE's Office in June 1997 had a total establishment of 87 posts. Details are set out in **Appendix I**.
3. As there was no operational need, both the second-term CE and the third-term CE did not set up a CE-elect's Office after their election.

Fourth-term CE

4. At the Panel meeting on 16 January 2012, the Administration briefed the Panel on its plan to set up an Office of the CE-elect to support the CE-elect in undertaking the following major work so as to ensure a smooth transition :
  - (a) to form a governing team for the new term of Government, including nominating Principal Officials ("POs") for appointment by the Central People's Government ("CPG"), as well as recruiting Executive Council ("ExCo") Members and other politically appointed officials;

- (b) to prepare for drawing up a policy plan for the new Government based on the CE-elect's election platform;
- (c) to make arrangements with the incumbent Government for a smooth transition; and
- (d) to liaise extensively with different sectors of the community and to participate in various official activities.

As informed by the Administration, the CE-elect's Office would commence operation on 25 March 2012, the day the fourth-term CE was elected, and would cease to operate by 30 June 2012. The CE-elect's Office had five posts at the directorate level and 21 posts at the non-directorate level. Details of the staff establishment are in **Appendix II**.

5. According to the Administration, the Head of the CE-elect's Office and the Special Assistant were special appointments on non-civil service terms. The rest were civil service posts to be filled by deployment within the Government. To allow flexibility, these positions might also be filled from outside the Government as the CE-elect thought fit. A provision of \$8.289 million for the establishment of the CE-elect's Office was included in the 2012-2013 draft Estimates of Expenditure. A breakdown is in **Appendix III**. It was also proposed that 12<sup>th</sup> floor of the West Wing of the former Central Government Offices at Lower Albert Road would be renovated to accommodate the CE-elect's Office.

## **Major views and concerns expressed by members**

### Working relationship with the incumbent CE's Office

6. Some members expressed concern about how the CE-elect's Office would work with the incumbent CE's Office to ensure a smooth transition. The Administration advised that the continuity of Government policies was of paramount importance. The CE's Office would be the counterpart of the CE-elect's Office serving as the liaison point between the CE-elect's Office and the current Government. Some members raised that a newly appointed Director of Bureau of the next-term Government would have to deal with legislative proposals which fell within his/her policy portfolio if the relevant scrutiny work of the Legislative Council ("LegCo") straddled beyond 1 July 2012. They expressed concern whether the change of responsible officials would cause delay to the scrutiny work. The Administration advised that the current-term Government would strive to implement its policies already pledged according to its time-table within the remainder of its term. The

Administration assured members that the relevant scrutiny work of legislative proposals would not be affected by the change of responsible officials.

#### Staffing provision

7. Noting that the Head of the CE-elect's Office and the Special Assistant would be special appointments on non-civil service terms, some members expressed concern as to whether the other positions would be filled by deployment within the civil service. The Administration advised that the 24 civil service posts would be filled by deployment within the Government according to the existing mechanism of the Civil Service Bureau, while the two non-civil service posts would be recruited from outside the Government. If the CE-elect considered it appropriate, the post-holders of Secretary-General of the CE-elect's Office and Private Secretary to the CE-elect would continue their service in the CE's Office as from 1 July 2012 given their role in coordinating transitional matters and preparatory work in formulating the policy plan of the new-term Government.

8. Some members enquired whether the appointment of the Head of the CE-elect's Office required the consent of CPG. The Administration advised that the Head of CE-elect's Office was not a PO laid down in the Basic Law and the consent of CPG was not required for the appointment. Members also expressed concern about the mechanism and regulation over the conduct of those non-civil service appointees of the CE-elect's Office under special appointments and whether those appointees should also abide by the Civil Service Code.

9. The Administration advised that the CE-elect's Office would touch upon sensitive and confidential information such as nomination of appointment. Non-civil service appointees under special appointments had to abide by statutory and common law rules of confidentiality and the code of conduct governing their civil service counterparts.

10. Concern was raised that the Administration might need to seek additional funding if the workload was underestimated, as the CE-elect would have to formulate proposals for the delivery of his Policy Address in October 2012 in order to implement policy initiatives pledged during the CE Election. The Administration advised that the manpower requirements were projected on the basis of the scope of work of the CE-elect's Office (paragraph 4 above) but the Administration would keep the Panel informed if there was a need to seek additional provision.

11. Some members enquired why the proposed establishment of the CE-elect's Office was scaled down when compared with the CE's Office of the first-term Government. The Administration explained that the proposed CE-elect's Office had been significantly reduced in size taking account of its present scope of work, and the fact that the work of the first-term CE in respect of presiding at ExCo meetings and drawing up legislative proposals related to the Reunification for submission to the Provisional LegCo at that time was no longer required.

#### Transfer of files and documents

12. Concern was raised on the arrangements for handing over of files and documents to the CE-elect from the incumbent CE, including hard, soft and personal copies retained in both the CE's Office and the Government House. Concern was also raised on whether the CE-elect's Office would be subject to the prevailing rules and regulations governing Government records management. The Administration advised that the prevailing policy and practices on records management would continue to be strictly followed by the CE-elect's Office. Besides, under the existing guidelines for Government records management, all e-mail correspondence should be "printed-and-filed" for record purposes. The CE-elect's Office would need to follow these guidelines.

#### **Latest development**

13. The Administration will brief the Panel on its plan to establish the CE-elect's Office for the fifth-term Government at the next meeting on 25 January 2017.

#### **Relevant papers**

14. A list of the relevant papers on the LegCo website is in **Appendix IV**.

## Appendix I

### Staff establishment of the Office of the Chief Executive in June 1997

In June 1997, there were 73 civil servants on secondment to the CE's Office. Details are as follows -

Posts	No.
Branch Secretary <sup>1</sup>	1
Administrative Officer, Staff Grade A	1
Director of Information Services	1
Administrative Officer, Staff Grade B1	1
Administrative Officer, Staff Grade B	1
Principal Crown Counsel	1
Administrative Officer, Staff Grade C	2
Assistant Director of Information Services	1
Principal Executive Officer	1
Senior Chinese Language Officer	1
Principal Information Officer	1
Senior Information Officer	1
Chief Executive Officer	1
Senior Executive Officer	4
Executive Officer I	3
Personal Assistant	1
Senior Personal Secretary	4
Personal Secretary I	6
Personal Secretary II	7
Typist	2

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<sup>1</sup> Equivalent to the current rank of Director of Bureau.

<b>Posts</b>	<b>No.</b>
Clerical Officer I	2
Clerical Officer II	9
Clerical Assistant	3
Confidential Assistant	3
Office Assistant	8
Personal Chauffeur	1
Chauffeur	2
Driver	4

2. The CE's Office had an additional 14 officers recruited from outside the Government. Details are as follows -

<b>Post</b>	<b>No.</b>
Secretary for Justice	1
Special Assistant	2
Law Drafting Officer	1
Assistant Law Drafting Officer	1
Senior Law Translation Officer	1
Law Translation Officer	2
Senior Research Officer	1
Press Officer	1
Senior Personal Assistant	1
Social Secretary	1
Junior Secretary	1
Chauffeur	1

3. Counting both civil servants on secondment and non-civil servants, the CE's Office had a total complement of 87 people.

Source : Administration's paper provided for the meeting of the Panel on Constitutional Affairs on 16 January 2012 [LC Paper No. CB(2)785/11-12(01)]

## Appendix II

### Staff establishment of the Office of the Chief Executive-elect in 2012

Details of the five posts at the directorate level are as follows:

Rank	No.	Main Duties
Equivalent to Director of Bureau	1	Head of the CE-elect's Office, to be responsible for overall supervision of the CE-elect's Office and liaison with political groups and different sectors of the community.
Administrative Officer, Staff Grade A (D6)	1	Secretary-general of the CE-elect's Office, to assist in co-ordinating transitional affairs and preparatory work in formulating the policy plan of the new term of Government.
Administrative Officer, Staff Grade B1 (D4)	1	Private Secretary to the CE-elect, to assist the CE-elect in daily office work and official engagements.
Administrative Officer, Staff Grade C (D2)	1	Deputy Private Secretary to the CE-elect.
Administrative Officer, Staff Grade C (D2)	1	Press Secretary to the CE-elect.

Details of the 21 posts at the non-directorate level are as follows –

<b>Rank</b>	<b>No.</b>	<b>Main Duties</b>
Senior Administrative Officer	2	Assistant Private Secretary to the CE-elect.
Special Assistant (senior professional level)	1	Special Assistant to the CE-elect, to assist in liaising with political groups and different sectors of the community.
Principal Information Officer	1	To assist in matters related to media and public relations.
Information Officer	1	To assist in matters related to media and public relations.
Senior Official Languages Officer	1	To perform translation duties.
Executive Officer I	1	To provide administrative support.
Senior Personal Assistant	1	Personal Assistant to the CE-elect.
Personal Assistant	1	Personal Assistant to the Head of the CE-elect's Office.
Senior Personal Secretary	2	To perform secretarial duties.
Personal Secretary I	2	To perform secretarial duties.
Personal Secretary II	2	To perform secretarial duties.
Personal Chauffeur	1	Driver for the CE-elect.
Chauffeur	1	Driver for the Head of the CE-elect's Office.
Driver	2	Driver for the CE-elect's Office.



<b>Rank</b>	<b>No.</b>	<b>Main Duties</b>
Assistant Clerical Officer	1	To provide clerical support.
Office Assistant	1	To provide general support.

Source : Administration's paper provided for the meeting of the Panel on Constitutional Affairs on 16 January 2012 [LC Paper No. CB(2)785/11-12(01)]

### Appendix III

Provision for the Office of the Chief Executive-elect in the 2012-2013 financial year will be included in the 2012-2013 draft Estimates of Expenditures. A breakdown is as follows:

	<b>Item</b>	<b>\$ '000</b>
(a)	Salaries	5,319
(b)	Security, maintenance, etc.	1,320
(c)	Other general departmental expenses	896
(d)	10% contingency [items (a) to (c)]	754
	<b>Total :</b>	<b>8,289</b>

Source : Administration's paper provided for the meeting of the Panel on Constitutional Affairs on 16 January 2012 [LC Paper No. CB(2)785/11-12(01)].

## Appendix IV

### Relevant documents on the establishment of the Office of the Chief Executive-Elect

Committee	Date of meeting	Paper
Panel on Constitutional Affairs	16.1.2012 (Item III)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Legislative Council	9.5.2012	<a href="#">Official Record of Proceedings Pages 39 – 47 (Oral question)</a>
		<a href="#">Official Record of Proceedings Pages 82 – 84 (Written question)</a>
	16.5.2012	<a href="#">Official Record of Proceedings Pages 54 – 63 (Oral question)</a>
	23.5.2012	<a href="#">Official Record of Proceedings Pages 49 – 60 (Oral question)</a>

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