

Appendix F (v)

31 October 1992

The Right Honourable Christopher Patten
Governor of Hong Kong
Government House
Hong Kong

Dear Sir,

Creation of New Grades
of Land Registration Officer
and Companies Registration Officer

We have been invited by the Administration to advise, under Clause I(b) of our Terms of Reference, on its proposals to create the following new grades:

- (a) Land Registration Officer in the new Land Registry; and
- (b) Companies Registration Officer in the new Companies Registry.

Background

2. We have been informed by the Administration that the Registrar General's Department (RGD) was responsible for a wide range of activities, including land registration, Government land conveyancing, the administration of the Companies Ordinance, the regulation of the insurance industry, the administration of bankruptcies and company liquidations, and the registration of companies, money lenders, patents and trade marks. In 1987, the Administration reviewed the organisation and management of RGD and concluded that RGD should be dissolved, as its diverse and unrelated functions could be carried out more effectively by separate organisations. We understand that so far, an Office of the Commissioner of Insurance and an Intellectual Property Department have been set up to replace RGD's Insurance Division and Trade Marks and Patents Registry respectively. The functions of the Registrar General as Official Solicitor, Official Trustee and Judicial Trustee have been transferred to the Director of Legal Aid, and the Insolvency Division has become an independent agency of the Official Receiver's Office. The Legal Advisory and Conveyancing Section of RGD is being transferred to the Buildings and Lands Department.

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3. The remaining re-organisation of RGD involves the establishment of a new Land Registry and a Companies Registry to replace the existing Land Registry and Companies Division of the department. As independent organisations, the new Registries will operate on the trading fund concept. The functions of the Land Registry and Companies Division are, in the main, currently performed by members of the Assistant Registrar (AR) grade, a Matriculation grade. The duties of the staff in the new organisations will be confined to land registration or companies registration and they will no longer be transferable to other bodies detached from RGD. As RGD will be dissolved on the establishment of the new Registries, the Administration considers it necessary to create new grades to perform these duties.

The Administration's proposals

4. We have been informed by the Administration that land registration and companies registration were fundamentally different because of the legislations, legal requirements, specialised documentation and professional practices involved. The Administration therefore proposed to create two new grades of Land Registration Officer (LRO) and Companies Registration Officer (CRO) to replace the ARs now responsible for land registration and companies registration work in RGD. The new grades would, like the AR grade, be Matriculation grades with the following structure:

<u>Existing Assistant Registrar Grade</u>		<u>Proposed new Land Registration Officer and Companies Registration Officer grades</u>	
<u>Rank</u>	<u>Pay Scales</u>	<u>Rank</u>	<u>Pay Scales</u>
Assistant Registrar II (AR II)	MPS 12-27	Land Registration Officer II/ Companies Registration Officer II (LRO II/CRO II)	MPS 12-27
Assistant Registrar I (AR I)	MPS 28-33	Land Registration Officer I/ Companies Registration Officer I (LRO I/CRO I)	MPS 28-33

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Senior Assistant Registrar II (SAR II)	MPS 34-39	Senior Land Registration Officer/ Senior Companies Registration Officer (SLRO/SCRO)	MPS 34-44
Senior Assistant Registrar I (SAR I)	MPS 40-44		
Chief Assistant Registrar (CAR)	MPS 45-49	Chief Land Registration Officer/ Chief Companies Registration Officer (CLRO/CCRO)	MPS 45-49

5. The structure of the proposed grades is slightly different from that of the AR grade in that their third tier represents a merger of the third (SAR I) and fourth (SAR II) tiers of the AR grade. The Administration's justifications for the merger are as follows:

- (a) the overriding objective of introducing the trading fund concept in the new Land and Companies Registries is to improve the quality of the service to the public and to secure measurable improvements in efficiency through better management. Management will be given greater financial freedom and services will be provided on a more commercially-oriented approach. This requires a more accountable and responsive management chain;
- (b) the key to the new approach is the identification of business units (cost centres) where all aspects of performance are measured. Business units are an important management tool in a trading fund environment. The merger of the SAR I and SAR II ranks to form a combined SLRO/SCRO rank will enable a new organisational structure to be established with business units headed by this middle manager rank.

Commission's views and recommendations

6. In view of the eventual dissolution of RGD, the difference in nature between land registration and

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companies registration and the fact that staff will no longer be transferable between the new Land Registry and Companies Registry, we support the creation of two separate grades which would appropriately reflect the duties of the staff concerned.

7. We have been informed that in the trading fund environment, the "business unit" is an important management tool to encourage and implement a customer-oriented and business-minded public service. The merger of the SAR I and SAR II ranks to form a combined SLRO/SCRO rank of middle managers would make it possible to introduce these "business units". We accept that the retention of the existing structure may lead to delays in decision making thus affecting the efficiency of the new organisations. We therefore support the Administration's proposal to merge the SAR I and SAR II ranks into a single rank of SLRO/SCRO so that the new Land and Companies Registries will have a management structure which they consider to be the most suitable for operating a trading fund.

8. We note that in spite of the introduction of the trading fund approach which requires a modified management structure, the duties of the new grades as a whole would remain unchanged. We therefore support the Administration's proposal that they should remain Matriculation grades.

9. We believe that the structure of a grade should be determined by functional and operational needs. While most grades in the Matriculation Grades group have a five-tier structure, three do have a four-tier structure with the third tier set at MPS 34-44. Furthermore, the creation of a new grade of Land Conveyancing Officer, which we recommended in our letter of 1 June 1992, would also involve the merger of the SAR I and SAR II ranks into a new rank of Senior Land Conveyancing Officer.

10. The proposed pay scales of the other three ranks in the LRO and CRO grades are in line with the general pattern in the Matriculation Grades group. We note that the Administration has conducted a job factor analysis and concluded that no other factors should be reflected in the pay scale.

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11. In conclusion, we support the Administration's proposal that two new grades of Land Registration Officer and Companies Registration Officer should be created in the Matriculation Grades group with the following pay scales:

Land Registration Officer

<u>Rank</u>	<u>Pay Scales</u>
Land Registration Officer II	MPS 12-27
Land Registration Officer I	MPS 28-33
Senior Land Registration Officer	MPS 34-44
Chief Land Registration Officer	MPS 45-49

Companies Registration Officer

<u>Rank</u>	<u>Pay Scales</u>
Companies Registration Officer II	MPS 12-27
Companies Registration Officer I	MPS 28-33
Senior Companies Registration Officer	MPS 34-44
Chief Companies Registration Officer	MPS 45-49

Yours faithfully,

(Sidney Gordon)
 Chairman
 For and on behalf of
 Members of the Standing Commission

29 December 1992

The Right Honourable Christopher Patten
Governor of Hong Kong
Government House
Hong Kong

Dear Sir,

Creation of New Grade of
Hawker Control Officer

We have been invited by the Administration to advise, under clause 1(b) of our Terms of Reference, on a proposal to create a new grade of Hawker Control Officer.

Background

2. The control of hawkers is at present the responsibility of General Duties Teams in the Urban Services Department and the Regional Services Department. These teams comprise mainly members of the Foreman Grade (Technician, Supervisory and Related Grades - Group I) who are supported by a small complement of Workmen. They work under the direction of and are managed by the Health Inspectorate (Polytechnic Higher Diploma Grades).

3. The Administration has informed us that a number of deficiencies had been identified in the existing organization, including:

- (a) lack of continuity, expertise and leadership due to the fact that Foreman Grade staff are transferable between different streams, such as hawker control, cleansing and pest control, in the departments concerned;
- (b) low staff quality because of poor educational background and lack of aptitude for law enforcement duties; and

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- (c) declining morale as the teams face great difficulties in their law enforcement duties, particularly in comparison with the duties performed by their counterparts in the other streams. In addition, they suffer from a poor image because in most cases public sympathy lies with hawkers.

4. In 1990, a Working Group on Hawker Control proposed that, while the most cost-effective remedy would be the creation of a civilian grade dedicated to hawker control duties, in the interim members of the General Duties Teams directly involved in hawker control work should be given a special allowance to improve their morale and effectiveness. We were asked to advise on the proposal. Having regard to the problems faced by the General Duties Teams, we supported it. The payment of the allowance started on 1 August 1990.

The Administration's proposal

5. The Administration has now formally sought our advice on the creation of a separate grade to control hawkers. It considers that the creation of a new grade of Hawker Control Officer (HCO) would have the following advantages:

- (a) members of the grade would have a better sense of belonging, since they will perform only hawker control duties. At the same time, their expertise and experience will be retained;
- (b) the pay scales of the new grade will be set having regard to job factors peculiar to hawker control work, and requirements such as shift duty and observance of a strict disciplinary code may be included in the terms of employment;
- (c) the quality of staff will improve as candidates with an aptitude for hawker control will be motivated to join the grade because of the better career structure it offers;
- (d) since senior officers in the new grade will take over hawker control and non-hygiene related market management duties from Health Inspectors I, the latter can be redeployed to perform hygiene related duties for which they are professionally trained.

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6. The Administration has further proposed that the new grade should have the following structure and pay scales:

<u>Rank</u>	<u>Pay Scales</u>
Assistant Hawker Control Officer	MPS 8 - 14
Hawker Control Officer	MPS 15 - 18
Senior Hawker Control Officer	MPS 19 - 22
Chief Hawker Control Officer	MPS 23 - 27
Principal Hawker Control Officer	MPS 28 - 30

The appointment requirements for direct entry will be Grade E in 5 subjects in the Hong Kong Certificate of Education plus 2 years' post-qualification experience, or completion of secondary education plus 3 years' post-qualification experience. However, the new grade will be placed within the "Other Grades" group since the main consideration for appointment will be aptitude, skills or experience rather than academic attainment.

7. The Administration has considered giving the proposed grade disciplined-service status, but concluded that it would not be appropriate. A disciplined service within the departments concerned would not be compatible with their management structure. Furthermore, illegal hawking is generally regarded as a nuisance rather than a crime. The nature of the enforcement duties to be performed by HCOs does not therefore justify the expense of setting up and maintaining a disciplined service.

Views of Urban Council and Regional Council

8. The Administration has advised us that Members of the Urban Council unanimously endorsed the creation of the new grade and expressed the hope that this would be done as soon as possible. The vast majority of Members of the Regional Council also supported the proposal.

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Views and recommendation

9. We note that the creation of a separate grade to control hawkers has the firm support of the municipal councils. Our Terms of Reference require us to advise on the salary and structure proposed for the new grade.

Grade structure

10. The structure of the proposed grade is based on that of the Foreman grade. The latter is made up of four tiers, namely Foreman (MPS 7-11), Senior Foreman (MPS 12-15), Overseer (MPS 16-20) and Senior Overseer (MPS 21-25), which form the core of General Duties Teams. The proposed HCO grade consists of five tiers. The first four ranks, namely Assistant Hawker Control Officer, Hawker Control Officer, Senior Hawker Control Officer and Chief Hawker Control Officer, are comparable with the respective ranks of the Foreman grade in terms of duties and level of responsibility. The top rank of Principal Hawker Control Officer would, in addition to its supervisory and operational duties, take over the functions and responsibilities currently performed by Health Inspectors I. It would be accountable to Senior Health Inspectors in the overall implementation of policies and the enforcement of legislation on hawker control and non-hygiene related market duties.

11. We generally support the proposed structure. We agree that the addition of the Principal Hawker Control Officer rank properly reflects the transfer of duties and responsibilities from the Health Inspectorate to the new grade. It also provides better promotion prospects for members of the new grade which will, in turn, improve staff quality and enhance staff commitment and morale.

Pay scales

12. The Administration has advised us that like the existing General Duties Teams, members of the new grade would be required to wear uniform. They would also be subject to a strict disciplinary code and exposed to hardship elements such as shift work and unpleasant and hazardous duties associated with seizure and arrest.

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13. Having regard to the entry requirements, the nature of work and the special job factors set out in paragraph 12 above, the proposed entry point of MPS 8 for Assistant Hawker Control Officer rank is appropriate.

14. We note that the proposed pay maximum of MPS 14 for Assistant Hawker Control Officer and the proposed pay scales of Hawker Control Officer (MPS 15-18), Senior Hawker Control Officer (MPS 19-22) and Chief Hawker Control Officer (MPS 23-27) are comparable to the pay scales of the respective ranks of the Foreman grade, including the interim special allowance currently payable to members of the General Duties Teams. The proposed pay scales are commensurate with the job factors involved.

15. We also agree that the pay scale of the proposed Principal Hawker Control Officer rank should be set at MPS 28-30, having regard to the level of responsibility. The Principal Hawker Control Officer in each district will be the direct supervisor of all hawker control staff. He will also assume overall responsibility for non-hygiene related market duties. Principal Hawker Control Officer is the top rank of the grade and it will take members many years to reach that level.

Classification of new grade

16. Because of the special nature of hawker control work, the main consideration for appointment will be special aptitude, skills or experience rather than academic attainment. Thus we support the classification of the new grade under the "Other Grades" group. We note the reasons put forward by the Administration in paragraph 7 above for not creating a disciplined service for hawker control.

17. In conclusion, we recommend the following structure and pay scales for the proposed grade of Hawker Control Officer which should be placed in the "Other Grades" group:

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<u>Rank</u>	<u>Pay Scales</u>
Assistant Hawker Control Officer	MPS 8 - 14
Hawker Control Officer	MPS 15 - 18
Senior Hawker Control Officer	MPS 19 - 22
Chief Hawker Control Officer	MPS 23 - 27
Principal Hawker Control Officer	MPS 28 - 30

Yours faithfully,

(Sidney Gordon)
Chairman
For and on behalf of
Members of the Standing Commission