

organized by the Legal Department before they took up trial law translation work in July 1986. One Chief Chinese Language Officer post (MPS 48 - 51) was also created in late 1987 to work with the sinophone lawyers and to supervise the nine Senior Chinese Language officers. Subsequently, to meet further need, another nine Senior Chinese Language Officer posts for law translation in the Legal Department were created. They were filled by officers from the Chinese Language Officer grade as well as by recruitment outside the civil service.

4. The Chinese Language Officer grade is a general grade. Its officers are mainly deployed on translation and interpretation (from Chinese into English and vice versa) as well as on Chinese secretarial duties, with the higher ranks carrying more supervisory and training responsibilities. Recruitment is normally at the more junior level of Chinese Language Officer II (MPS 20 - 31) and appointees are generally fresh university or college graduates. The average Chinese Language Officer II takes five years to be promoted to a Chinese Language Officer I (MPS 32 - 37), who would normally need another five years' experience before being considered for promotion to Senior Chinese Language Officer (MPS 38 - 47). The majority of members of the grade possess no working experience other than that of a government translator.

5. We have been informed that the nine Senior Chinese Language Officers initially posted to the Law Drafting Division are doing well, having received intensive training and accumulated some two years' experience in the Division. However, their ability to do so is considered to be attributable to their exceptional potential, having been selected critically on the basis of work samples and aptitude tests from over 100 applicants from the Chinese Language Officer grade.

6. The Attorney General considers that the current deployment of Chinese Language Officers in the Law Drafting Division should only be regarded as an interim arrangement to meet immediate translation and bilingual law drafting requirements. The Attorney General holds firmly the view that a specialist grade of law translators is needed because the production of an authentic Chinese version of the legislation is different from normal translation work. Two main differences have been highlighted by the Attorney General. The first is the special terminology used for law translation. Since the requirement is to have an authentic statement of the law in Chinese, the work involves much more than a literal translation of the English text. A good deal of legal terminology used in the statutes does not have a direct equivalent in Chinese. Many terms also have had a

gloss imposed on their meaning by cases decided in the courts. It is therefore necessary for the law translators to have, in addition to linguistic ability, a thorough understanding of the legal concepts in order to choose or devise an equivalent term in Chinese.

7. Secondly, much of the subject matter of legislation is highly technical or complex, current examples being the Gas Safety Bill; the Electricity Bill; the Merchant Shipping (Prevention and Control of Pollution) Bill; the Control of Exemption Clauses Bill; the Drug Trafficking Offences (Recovery of Assets) Bill; the Shipping Registration Bill and the Patents Bill (to establish local patents registration). The law translators must have a thorough understanding of scientific and commercial concepts as well as the specialised language used in these fields, in order to be able to translate the technical legislation with confidence.

8. The Attorney General also takes the view that setting up a specialist grade of translators in the Legal Department will better ensure the continuity of staff engaged in translating the laws of Hong Kong. These translators, being members of a departmental grade, would not be subject to transfer to other departments in the same way as officers in the general grade of Chinese Language Officer would be. The specialized skills and experience accumulated by the law translators would therefore be retained in the Legal Department, thus eliminating the recurring need to organize training for new Chinese Language Officers transferred to the Department.

9. The Attorney General proposes to create a new grade of Law Translation Officer in the Legal Department with the following structure, establishment and pay scales : -

	<u>Pay Scale</u>	<u>No. of Posts</u>
Law Translation Officer	MPS 38 - 47 (\$17,830 - \$26,810)	27
Senior Law Translation Officer	MPS 48 - 51 (\$28,070 - \$31,865)	3

The proposed pay scales for the two ranks are equivalent to those of Senior Chinese Language Officer and Chief Chinese Language Officer respectively.

10. The duties and responsibilities of the two ranks are the same as those officers from the Chinese Language Officer grade presently working in the Law Drafting Division, i.e. to translate existing laws and to participate in the

drafting of new bilingual legislation. It is proposed that for appointment as a Law Translation Officer, an applicant should have a university degree, an excellent command of English and Chinese, a minimum of five years' experience in translation, and a wide general knowledge. In addition the applicant should have knowledge or working experience in at least one of the following fields : law translation; court or other legal work; editing or journalism; engineering; commerce; shipping; Chinese law.

11. It is proposed that Senior Law Translation Officer should be the promotion rank for Law Translation Officers and that should direct recruitment to this rank become necessary candidates would be required to have 10 years' experience in translation in addition to the other requirements. All candidates for the proposed grade would be required to sit a written aptitude test.

12. The Attorney General has considered two alternatives to the creation of a new grade of Law Translation Officer and concluded that they are impracticable. The first option is to employ sinophone lawyers for law translation. In the Attorney General's view, sufficient qualified and experienced sinophone lawyers cannot be recruited in the foreseeable future to undertake law drafting work. Moreover, few local lawyers have a strong background in Chinese or are sufficiently confident of their linguistic abilities to undertake law drafting in that language. Most have not continued to study Chinese language since secondary school. Furthermore, it is considered inappropriate for qualified lawyers to undertake translation work except in a supervisory capacity. The Attorney General therefore concludes that a team approach with a small group of counsel working in co-operation with a large group of specialist translators is the only feasible method of producing bilingual legislation in the foreseeable future.

13. The second alternative is to create a law stream in the Chinese Language Officer grade. This arrangement would provide for staff continuity and retention of knowledge and experience in the Law Drafting Division and thus overcome some of the problems envisaged in deploying Chinese Language Officers for law translation work. However, experience from selection exercises has shown that the chance of finding sufficient officers with the required experience and exposure from the Chinese Language Officer grade is slim. It would be necessary to resort to recruitment outside the grade to fill some of the law translator posts required for the bilingual law projects. In these circumstances, the creation of a law stream in the Chinese Language Officer grade would be an artificial arrangement. The Attorney General also considers this as a departure from the principle that a separate grade

should be established and maintained for specialised work, examples of which include the separate and specialised grades of Court Interpreters and Simultaneous Interpreters.

14. It is also the opinion of the Commissioner for Chinese Language, who heads the Chinese Language Officer grade, that the type of work expected to be performed by the law translators is different from that normally performed by Chinese Language Officers. He concurs that few serving Chinese Language Officers have the special skills and experience required of the proposed law translators.

15. The streaming proposal is considered by the Commissioner for Chinese Language to be impracticable because it is unlikely that Chinese Language Officers working as law translators would be transferred out of the Legal Department once they have acquired their special working experience. It would be more efficient for the Legal Department to take full responsibility for all staff matters such as recruitment, training, deployment, etc. of a separate grade of law translators than for a law stream to be created in the Chinese Language Officer grade. He also opines that given the specialized nature of law translation work, it is more appropriate for the Legal Department to assess the professional competency of the law translators and to develop their training needs. The Commissioner for Chinese Language therefore supports the proposal of creating a new grade of Law Translation Officer.

16. Having examined the Attorney General's proposal, the Civil Service Branch supports the creation of a new grade of Law Translation Officer. It agrees that the task of producing an authentic version of the law in Chinese is different from the type of translation work generally performed by Chinese Language Officers, who do not normally possess the required working experience and exposure of a law translator. The Civil Service Branch also considers that a separate grade should be created to undertake specialized work for maintaining staff continuity and retaining acquired experience. In addition, the creation of a special grade of translators to produce an authentic Chinese version of the laws of Hong Kong will be seen as evidence of the Government's commitment to the task. It will also be conducive to enhancing public confidence in the Chinese text of the legislation. Finally, the Civil Service Branch foresees a continuing need for the services of law translators as bills (both new and amendment) will have to be introduced in bilingual form starting from a future date.

17. Having compared the appointment requirements and the level of responsibilities of these officers with those of the Senior Chinese Language Officer and Chief Chinese

Language Officer ranks of the Chinese Language Officer grade, the Civil Service Branch takes the view that the proposed pay scales of MPS 38 - 47 for Law Translation Officer and MPS 48 - 51 for Senior Law Translation Officer are appropriate. The Civil Service Branch also recommends that this new grade should be classified in Group III of the Professional, Degree and Related Grades.

18. We have carefully examined the Administration's proposals and we generally endorse them. We recognize that the work of a law translator differs from normal translation work in three aspects. First, the end product of law translation is an authentic version of the law in Chinese, which demands a considerably higher standard of translation. Second, the special terminology used for law translation requires the translator to have a thorough understanding of legal concepts. Finally, the highly technical nature and complexities of the subject matters of legislation require the law translator to be well versed in the subject matter concerned, possibly involving scientific or commercial concepts as well as the specialized language used in different fields. We are conscious, however, that a law translator, like the lawyers who actually do the drafting work in English, are unlikely to be conversant with several different fields. A right aptitude, versatility and especially an ability to assimilate quickly new information and concepts are therefore considered by us to be the most important qualities for doing the job well.

19. In view of the special skills required, we agree that there is a need for maintaining continuity and retaining the acquired experience of law translation staff in the Legal Department. We therefore concur that the normal deployment of officers from the general Chinese Language Officer grade to undertake law translation work in the Legal Department is not the best solution.

20. We also agree that the option of employing sinophone lawyers for law translation is not feasible. It is considered inappropriate for qualified lawyers to undertake translation work except in a supervisory capacity. Moreover, there is likely to be difficulty in recruiting adequate qualified sinophone lawyers who would be prepared to undertake law drafting and translation as a career.

21. We agree with the Commissioner for Chinese Language regarding the staff management benefits of full Legal Department responsibility for all staff matters of a departmental grade of law translators. Even if a law stream were created in the Chinese Language Officer grade, it would

still be necessary to recruit officers from outside the grade because there would not be enough qualified officers available for appointment from within the grade.

22. We have raised the question of whether surplus manpower would arise in 1992 when the translation of existing legislation into Chinese has been completed. The option of creating a law stream in the Chinese Language Officer grade would provide the otherwise unavailable flexibility of redeploying the redundant law translators to other departments. However, we have been assured by the Administration that surplus manpower will not arise even after all existing legislation has been translated into Chinese. According to them, the law translators will be fully engaged in other areas of work, such as the localization of the laws of Hong Kong, and the translation of other legal documents.

23. We are therefore satisfied that the Administration's proposal to create a new grade of Law Translation Officer in the Legal Department is appropriate.

24. With regard to the proposed pay scale of the Law Translation Officer rank, we doubt whether it is appropriate to draw a parallel between the level of responsibilities and appointment requirements of a Law Translation Officer and those of a Senior Chinese Language Officer. First, unlike Senior Chinese Language Officers, a Law Translation Officer does not carry supervisory or training responsibilities. Second, the appointment requirements of the Law Translation Officer stipulate a minimum of five years' experience in translation, whereas it normally takes ten years for a fresh Chinese Language Officer II (with no translation experience) to be promoted to Senior Chinese Language Officer. It is arguable whether the special skills required of a Law Translation Officer can be fairly equated with an extra five years' experience in normal translation work plus the additional supervisory and training responsibilities of a Senior Chinese Language Officer.

25. As to the question of relativity with other professional grades, the following comparisons have been made : -

<u>Grade/Rank</u>	<u>Pay Scale</u>	<u>Normal number of years' work required after obtaining a first degree from university</u>
Crown Counsel	MPS 35 - 47	2 - 3 years (1 year for Postgraduate Certificate in Laws, 1 - 2 years as pupil or articled clerk)
Engineer	MPS 35 - 47	3 years
Medical and Health Officer	MPS 35 - 47	3 years (2 years of further studies, 1 year as houseman)

26. We initially felt that the proposed entry pay of a Law Translation Officer was on the high side in relation to the period of working experience required for appointment, and having regard to the fact that comparable officers in the professional grades would have to obtain the appropriate professional qualifications before their appointment. It was particularly relevant in the case of the Crown Counsel who would have to work in close co-operation with the law translators. But the Administration has subsequently assured us that if the proposed entry pay is lowered, there would be difficulties in recruiting suitable candidates with the right skills and experience.

27. Having considered all the points made, we conclude that it is more appropriate to compare the proposed pay scale of the Law Translation Officer with that of the Interpreter (Simultaneous Interpretation) rank (MPS 38 - 47). Both the Law Translation Officer and the Simultaneous Interpreter require special skills to perform their duties and there are recruitment problems in both ranks. We consider that special skills and recruitment difficulties should, as in the case of the Simultaneous Interpreter, be given special consideration in setting the pay scale of the proposed Law Translation Officer.

28. However, the appointment requirements of a Simultaneous Interpreter stipulate seven years' post-qualification experience in contrast to the five years' experience in translation work required of a Law Translation Officer. Although the Administration has explained that this requirement is only an administrative guideline which could

be waived if necessary, we recommend that, to maintain relativity, both ranks should have the same number of years of post-qualification experience stipulated in their respective appointment requirements.

29. Subject to this recommendation we are satisfied that the Administration's proposals are appropriate and we endorse them.

30. If our recommendations are accepted, we propose that they should be implemented as soon as possible.

We have the honour to be  
Your Excellency's obedient servants,

(Sidney Gordon)  
Chairman

Kim Y.S. Cham

Therese H.C. Chan

Stanley G. Elliott

Alice Lam

Gordon M. Macwhinnie

David A. Morris

Andrew K.W. So

Tang Kwai-nang



27 October 1988

His Excellency Sir David Wilson, K.C.M.G.,  
Governor of Hong Kong.

Your Excellency,

Creation of a New Rank of Senior Personal Assistant

We were recently invited by the Administration to advise, under Item I(b) of our terms of reference, whether a new rank of Senior Personal Assistant should be created in the Personal Assistant grade to replace an existing grade of Personal Assistant to H.E. the Governor.

2. Personal Assistant (MPS 31 - 37) is a one-rank general grade created in 1971 to replace certain Senior Personal Secretary posts in order to provide the highest ranking officers in the Government with an executive secretarial service. At present, there are five posts of Personal Assistant on establishment, one each for the Chief Secretary, Chief Justice, Financial Secretary, Attorney General and Political Adviser.

3. Personal Assistant to H.E. the Governor (MPS 38 - 42) is a one-rank departmental grade to provide a personal executive secretarial service to the Governor. It has only one post on establishment. Between 1977 - 1980 the post was filled by the secondment of an officer from the Foreign and Commonwealth Office and remunerated on United Kingdom rates of pay. Since 1980, it has been open to local officers through either direct entry or appointment from the Personal Assistant grade.

4. After reviewing the duties and responsibilities of the two Personal Assistant grades, the Administration has found that the nature of work of these two grades is similar. The Personal Assistant to H.E. the Governor is discharging primarily the same functions as the other Personal Assistants, i.e. provision of a personal executive secretarial service to their respective principals, although at a higher level of responsibility.

5. In view of the above, the Administration proposes to replace the existing one-rank grade of Personal Assistant to H.E. the Governor by creating a new rank of Senior Personal Assistant in the existing one-rank Personal Assistant grade. The new rank will then become the promotion rank of the Personal Assistant grade which will have the following structure and pay scale : -

<u>Rank</u>	<u>Pay Scale</u>
Personal Assistant	MPS 31 - 37
Senior Personal Assistant	MPS 38 - 42

6. The Administration considers that the proposal has the advantage of merging a one-post departmental grade into a general grade. This is in line with the general principle laid down by us. Moreover, it will result in an improved and more appropriate structure for the Personal Assistant grade.

7. The Private Secretary, Government House and the Personal Assistant to H.E. the Governor have been consulted by the Administration. They do not have any objection to the proposal.

8. We have examined the Administration's proposal and we endorse it. We note that the duties and pay scale of the proposed Senior Personal Assistant remain the same as those of the Personal Assistant to H.E. the Governor. We agree that the Personal Assistant to H.E. the Governor and the other Personal Assistants are performing basically similar functions, although the former carries a relatively higher level of responsibility. We also concur with the observation that the proposed merger will result in a better structure for the Personal Assistant grade. We are therefore satisfied that it is appropriate to merge the two grades.