

Note for the Legislative Council
Bills Committee on Hong Kong Tourist Association (Amendment) Bill 2001

Response to Issues Raised by Members on 12 February 2001

Introduction

At the Bills Committee Meeting on 12 February 2001, members requested clarifications on a number of issues related to the Hong Kong Tourist Association (Amendment) Bill 2001.

Administration's Response

2. We have consulted the Department of Justice and Hong Kong Tourist Association (HKTA) and would like to provide response as follows –

Clause 10 (new section 8 – Executive Director and Deputy Executive Director)

3. Members asked if the term “聘請” or any other word should be used to replace the word “委任”. The Department of Justice advised that it is appropriate to use “appoint” and its Chinese equivalent “委任” in the context of the new section 8. In Chinese, “委任” 某人 to take up a position may carry with it certain terms of appointment, which may include remuneration. The term “委任” is also used as the Chinese equivalent of the term “appoint” in

similar provisions in some other Ordinances and all the Executive Directors concerned may receive a remuneration. Examples include section 6 of the Hong Kong Council for Academic Accreditation Ordinance (Cap. 1150), section 3 of the Schedule to the Occupational Safety and Health Council Ordinance (Cap. 398) and section 19 of the Hong Kong Trade Development Council Ordinance (Cap. 1114). Extracts of them are attached at Annex. We therefore suggest we retain the term “委任” in the Bill.

4. Members noted that the appointment of Executive Director and Deputy Executive Director of the HKTB are subject to Chief Executive’s approval and requested information on the appointment mechanism of senior executives by other statutory bodies. We would like to advise that the Chief Executive’s approval for appointment of senior executives are similarly required under the relevant legislation of other public bodies including the Hong Kong Trade Development Council, the Airport Authority and the Consumer Council. We have no intention to adopt a different approach.

Clause 11 (new section 9 – Constitution and membership of Board)

5. Members raised a number of issues related to the constitution and membership of the HKTB. We understand that the subject would be examined in detail at the Third Bills Committee meeting scheduled for 26 February 2001. The Administration will provide further information prior to the meeting to facilitate discussion.

Clause 32 (new section 26(4)) and Clause 33 (new section 27(3))

6. Members asked if there is a need to extend the validity period of

the provisions on protection of former badges or emblems and title of the HKTA. We have further consulted the HKTA which is content with the existing proposal of providing protection for former badges or emblems and title of the HKTA until 31 December 2010. In any case, the new sections 26(4) and 27(3) empower the Legislative Council to extend the expiry date if such a need arises.

General

7. Members were interested to know more about the controlling mechanism in respect of the financing of HKTB. In that regard, the existing HKTA Ordinance has already provided for effective monitoring on how the HKTA finances its activities.

8. Section 17B of the HKTA Ordinance requires the HKTA Board to forward to the Financial Secretary, for the approval of the Chief Executive, a programme of its proposed activities and estimates of its income and expenditure for every new financial year. Both the Economic Services Bureau and the Finance Bureau are actively involved in the scrutinizing process.

9. Section 18 of the HKTA Ordinance further requires the HKTA Board to keep proper accounts and prepare statements of accounts to be audited annually by an auditor appointed by the Chief Executive. The statements of accounts and auditor's reports have been laid on the table of the Legislative Council for Members' information.

10. All the aforementioned provisions and the control mechanisms contained therein will be carried forward to the HKTB.

11. In addition, like other public bodies receiving Government subvention, the HKTB will be subject to the subvention policies laid down by the Government and be accountable to the public via the Economic Services Bureau. The Government will continue to ensure cost-effectiveness of the HKTB through various established channels.

Economic Services Bureau
14 February 2001

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章： 1150 標題： 香港學術評審局條例
 條： 6 條文標題： 評審局總幹事

第 III 部
 職員及轉授

- (1) 評審局須—
- (a) 在符合第(2)款的規定下，**委任**一名總幹事；
 - (b) 決定總幹事的服務條件，及經局長根據第 9 條給予批准後，決定總幹事的薪酬條款。

- (1) The Council shall-
- (a) subject to subsection (2), **appoint** an Executive Director;
 - (b) determine the conditions of service, and, subject to the approval of the Secretary under section 9, the terms of remuneration of such appointment.

章： 302 標題： 香港旅遊協會條例
 條： 8 條文標題： 高級人員及傭工

(2) 總幹事、副總幹事以及其他高級人員、傭工及代理人均須由理事會**委任**，而有關薪酬及其他方面的委任條件，亦須由理事會決定；
 但總幹事及副總幹事的**委任**、薪酬及委任條件須經行政長官批准。

(2) The Executive Director, Deputy Executive Director and such other officers, servants and agents shall be **appointed** by the Board, and the terms of any such appointment, as to remuneration or otherwise, shall be such as the Board may determine:

章： 398 標題： 職業安全健康局條例
 附表： 條文標題： 附表

關於職安局及其成員的條文

3. (1) 職安局須委任一名總幹事，並須決定其委任的條款及條件；但如擬委任一人為總幹事，或者將已獲委任的人停職或革職，均須得到行政長官批准。
- (2) 總幹事須代表職安局執行該局委派給他的職務。
- (3) 未得職安局主席批准，總幹事不得參與職安局就他本人的委任條款、停職或革職事宜而進行的商議，亦不得就有關上述事宜的任何問題投票。

3. (1) The Council shall **appoint** an Executive Director and shall determine the terms and conditions of his appointment; but shall obtain the approval of the Chief Executive to any proposed appointment and to the suspension and dismissal of the person appointed.
- (2) The Executive Director shall perform, on behalf of the Council, such functions as the Council may assign to him.
- (3) The Executive Director shall not without the permission of the Chairman take part in any deliberation of the Council which concerns the terms of his own appointment, suspension or dismissal and shall not vote on any question concerning these matters.

章： 1114
條： 19

標題： 香港貿易發展局條例
條文標題： 總裁的資格及服務條款和條件

第 V 部

職員

發展局不得委任任何人為總裁，除非—

- (a) 獲行政長官事先同意；及
- (b) 根據行政長官所批准的服務條款和條件。

No person shall be **appointed** by the Council to the office of Executive Director-

- (a) without the prior consent of the Chief Executive; and
 - (b) except upon such terms and conditions of service as are approved by the Chief Executive.
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