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8 May 2002

Mr. Paul Woo
Clerk to Bills Committee
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong

By Fax : 2509 0955

Dear Mr. Woo,

Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2001

I refer to your letter of 3 May 2002 raising questions in connection with the above. The Administration has sought advice on items (a) to (d) of the questions raised in relation to Part XI of the Bill (Miscellaneous Amendments to Ordinances relating to Tertiary Institutions), and the replies are set out below. The Administration's answers to questions (e) to (i) of your letter were forwarded to you vide our letter dated 8 May 2002.

Part XI of the Bill (Miscellaneous Amendments to Ordinances Relating to Tertiary Institutions)

- (a) *to advise whether the tertiary institutions concerned have been consulted on the proposed transfer of appointment authority from the Chief Executive to the relevant Council, and the result of the consultation;*

The tertiary institutions concerned have been consulted on the proposed amendments to the relevant Ordinances, and they have no objections to the amendment proposals.

Clause 53

- (b) *to consider amending “from among its members” in section 8(1)(d) of the Hong Kong Institute of Education Ordinance in light of the proposed revised amendment to section 9(1)(e);*

The Administration has no objection to the proposal to amend “from among its members” in section 8(1)(d) of the Hong Kong Institute of Education Ordinance in the light of the proposed amendment to section 8(1)(e).

- (c) *regarding section 8(1)(f) of the Hong Kong Institute of Education Ordinance, to explain why “President” should be replaced with “Chief Executive” rather than “Chancellor”, and what other Ordinances relating to tertiary institutions have adopted the same approach;*

The proposal to replace “President” by “Chief Executive” follows the terminology used in other Ordinances relating to tertiary institutions. Those Ordinances adopting the same approach include the Hong Kong Polytechnic University Ordinance (Cap. 1075), the Hong Kong Baptist University Ordinance (Cap. 1126), the City University of Hong Kong Ordinance (Cap. 1132) and the Lingnan University Ordinance (Cap. 1165).

Clause 60

- (d) *to advise whether “public officers” in section 10(1)(d) and the proposed section 10(3) of the Hong Kong Polytechnic University Ordinance would include officers politically appointed under the proposed accountability system for principal officers*

“Public officers” in section 10(1)(d) and in the proposed section 10(3) of the Hong Kong Polytechnic University Ordinance would include officers politically appointed under the proposed accountability system for principal officials.

Yours sincerely,

(Michael Scott)
Senior Assistant Solicitor General