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Secretary for Justice
Department of Justice
Legal Policy (General) Section
1/F, High Block
Queensway Government Offices
66 Queensway
Hong Kong

28 May 2002

BY FAX

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(Attn : Mr Michael Scott
Senior Assistant Solicitor General)

Dear Mr Scott,

Statute Law (Miscellaneous Provisions) Bill 2001

I enclose an extract of the letter dated 27 May 2002 from the Secretary for Constitutional Affairs to our Division on the Draft Resolution on the Proposed Accountability System for Principal Officials. Please confirm whether Committee Stage amendments would be introduced to Clause 131 of the Statute Law (Miscellaneous Provisions) Bill 2001.

Yours sincerely,

(Bernice Wong)
Assistant Legal Adviser

Encl

c.c. D of J (Attn : Miss Monica Law, SALD)
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27 May 2002

Mr. Lee Yu Sung
Senior Assistant Legal Adviser
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central, Hong Kong

Dear Mr. Lee,

**Draft Resolution on the Proposed
Accountability System for Principal Officials**

Thank you for your letter dated 16 May 2002. Our replies to the questions raised in your letter are set out in the following paragraphs.

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(N) Schedule 11

Q: Please confirm whether the reference to “Secretary for Lands and Works” in section 21(3) of the Eastern Harbour Crossing Ordinance (Cap. 215) and section 16(3) of the Tate’s Cairn Tunnel Ordinance (Cap. 393) would be amended. It is proposed under Clause 131 of the Statute Law (Miscellaneous Provisions) Bill 2001 that both references be repealed and substituting “Secretary for Planning and Lands”.

Please clarify the Administration’s policy with regard to the definition of “Secretary” in the Land Drainage Ordinance

(Cap. 446)(item 9 of Schedule 11). Under Clause 131 of the Statute Law (Miscellaneous Provisions) Bill 2001, it is proposed that “Secretary for Planning and Lands” be repealed and substituting “Secretary for Works”. We enclose an extract (Annex) of the Administration’s letter dated 8 May 2002 to the Clerk to the Bills Committee, the contents of which have been discussed by the Bills Committee at the meeting on 9 May 2002.

A: We will move that the Resolution be made by the Legislative Council at the sitting of 19 June 2002, and it is expected that the Statute Law (Miscellaneous Provisions) Bill 2001 will be enacted only after the approval of the Resolution. Committee Stage Amendments (CSAs) will be moved to amend clause 131 of the Bill by replacing the references to “Secretary for Planning and Lands” with references to “Secretary for Housing, Planning and Lands” after the approval of the Resolution.

As explained in D of J’s letter dated 8 May 2002, it is the Administration’s intention to transfer the policy responsibility for flood prevention under the Land Drainage Ordinance (Cap. 446) to the Secretary for Works. However, “Secretary for Planning and Lands” is now referred to in the definition of “Secretary” in this Ordinance. The Resolution therefore provides for the transfer of statutory function vested in “Secretary for Planning and Lands” under Cap. 466 to the new “Secretary for Housing, Planning and Lands”. Subject to the approval of the Resolution by the Legislative Council, CSAs to the Statute Law (Miscellaneous Provisions) Bill 2001 will be moved to change the references to “Secretary for Works” in clause 131 of the Bill to “Secretary for Transport and Works”.

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