

# 立法會 *Legislative Council*

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## **Paper for the House Committee Meeting on 7 June 2002**

### **Report of the Subcommittee to Study the Proposed Accountability System for Principal Officials and Related Issues**

#### **PURPOSE**

The Subcommittee to Study the Proposed Accountability System for Principal Officials and Related Issues submitted its interim report up to the meeting on 21 May 2002 to the House Committee on 24 May 2002. This paper reports on the deliberations of the Subcommittee at the meetings held on 24, 28, 31 May and 4 June 2002.

#### **MEETINGS OF THE SUBCOMMITTEE**

2. Counting from its first meeting on 24 April 2002, the Subcommittee has held a total of 14 meetings, or 26 two-hour sessions to discuss the proposed accountability system for principal officials and related issues.

#### **DELIBERATIONS OF THE SUBCOMMITTEE**

##### **Main topics**

3. The main points of the Subcommittee's deliberations are summarised under the following topics -

<u>Topic</u>	<u>Paragraph</u>
(a) Order of seeking Council's approval for the staffing, financial and legislative proposals	4 - 18
(b) Leave relief arrangement for principal officials	19 - 22

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#### **Order of seeking Council's approval for the staffing, financial and legislative proposals**

4. In response to members, the Administration has advised that the order and timetable for seeking the Council's approval for the relevant staffing, financial and legislative proposals are as follows -

- (a) the proposals relating to the 14 principal official positions will be put to the Establishment Subcommittee (ESC) on 6 June 2002 for its endorsement and recommendation to the Finance Committee (FC);
- (b) the financial proposal, which entails an additional commitment of \$42 million to meet the costs of the 14 principal official positions, will be submitted to the FC meeting on 14 June 2002; and
- (c) a resolution under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1) (the Resolution) to effect the transfer of relevant statutory functions to the principal officials will be moved at the Council meeting on 19 June 2002.

5. Hon Andrew WONG has queried the Administration's proposed order of seeking approval for the staffing and financial proposals prior to seeking the

Council's approval for the Resolution. Hon Emily LAU and Dr Hon YEUNG Sum consider the arrangement proposed by the Administration unusual and a departure from normal practice.

6. Hon CHEUNG Man-kwong and Dr Hon YEUNG Sum are of the view that the Resolution should be dealt with by the Council first, before submission of the staffing and financial proposals to ESC and FC. This would avoid the undesirable situation of the Administration having to amend the staffing and financial proposals for re-submission to ESC and FC, in the event of passage of any amendments to the Resolution by the Council resulting in discrepancy between the Resolution and the posts and funds approved. The two members have stressed that the Administration should not assume that Members would not propose amendments to the Resolution, or that any amendments proposed would not be passed by the Council.

7. The Administration has explained that it is necessary to first obtain funding for the positions of the 14 principal officials, before the Council's approval for the transfer of statutory functions from existing policy secretaries to the principal officials concerned can be sought by way of a Resolution under section 54A of Cap. 1.

8. In response to members, the Legal Adviser has advised that there were occasions in the past where financial proposals for certain new posts were sought ahead of the relevant resolutions to effect transfer of statutory functions to the post-holders. However, the Resolution relating to the proposed accountability system is much wider in scope than that of the resolutions previously dealt with by the Council. The Legal Adviser has also explained that a resolution under section 54A of Cap. 1 should be able to effect the transfer on condition that the transferor and transferee of the functions are both in existence for the transfer. As the Administration has proposed that the Resolution should take effect on 1 July 2002, it therefore should not give rise to legal difficulties, whether approval for the financial package, or the Resolution, should be sought first.

9. Hon Margaret NG has reiterated that section 54A of Cap. 1 is adequate only for the purpose of transferring statutory functions between posts of similar nature, i.e. civil service posts. Given that the principal officials under the accountability system are a new category of public officers, i.e. political appointees who are not civil servants, it is not appropriate to seek the transfer of statutory functions under section 54A of Cap. 1 until the posts of principal officials have been created by means of legislation. She does not agree with the Legal Adviser that there are precedents for the Administration's proposed order of seeking approval for the staffing/financial proposals and the Resolution, and that the only difference from past cases is in the scope of the Resolution.

10. Hon Andrew WONG agrees with the Legal Adviser that both options of seeking approval for the financial package before seeking approval for the Resolution, and vice versa, are feasible. However, he is of the view that as a matter of principle, it is more reasonable and logical for the Council, which is higher in status to its committees, to first consider and approve the Resolution, before ESC and FC scrutinise the related staffing and funding proposals.

11. The Legal Adviser has pointed out that the merits, or otherwise, of the proposed accountability system are matters of policy considerations for Members, and that the proposed accountability system does not necessarily have a causal relationship with the Resolution. The Legal Adviser explains that the Resolution is to effect a transfer of functions currently exercisable by the named bureau secretaries to the named principal officials who will take charge of the relevant policy responsibilities following the reorganisation of policy bureaux. However, the Resolution does not cover all the principal officials under the accountability system, i.e. the three Secretaries of Department and 11 Directors of Bureau. The Resolution does not relate to the Chief Secretary for Administration (CS), Financial Secretary (FS), Secretary for Justice (SJ), Secretary for the Civil Service (SCS), Secretary for Constitutional Affairs (SCA), Secretary for Home Affairs (SHA) and Secretary for Security (S for S).

12. The Legal Adviser has also pointed out that under section 8 of the Public Finance Ordinance, proposals to change the approved Estimates of Expenditure must come from FS. As Members cannot amend FS's proposals, ESC and FC can only discuss and vote on any proposal as it stands. If ESC or FC does not approve the proposal, it will then be for FS to consider whether a fresh proposal should be submitted.

13. Hon LEE Cheuk-yan has expressed concern whether the scope for Members to amend the Resolution would be restricted, and whether proposed amendments to the Resolution might have a charging effect under the Rules of Procedure, if the number of the principal official posts and funding for creation of these posts have already been approved by ESC and FC by the time the Council discusses the Resolution. Mr LEE has sought a response from both the Administration and the Legal Adviser.

14. The Administration has advised that it is not in a position to respond to comments about amendments to the Resolution until it has seen the actual text of the proposed amendments.

15. The Legal Adviser has responded that it will be for the President to rule whether a motion or amendment has a charging effect within the terms of Rule 31 of the Rules of Procedure. The Legal Adviser has pointed out that as a

broad principle, if public expenditure has to be incurred for implementing a proposed motion, that motion is likely to be considered as having a charging effect within the terms of the Rules of Procedure. However, he stresses that according to the Rules of Procedure, it is for the President to form her opinion after having considered the facts of each case and taking into account principles established through previous rulings.

16. Hon James TIEN has indicated that he does not have any strong views about the Administration's proposal of seeking approval for the staffing/financial proposals before presenting the Resolution to the Council. Hon CHAN Kam-lam considers that the Administration's proposed arrangement is acceptable as the principal official positions need to be established before the transfer of statutory functions can be effected. Hon TSANG Yok-sing is of the view that members' concerns about the Administration's proposal are equally valid if the order is reversed. The crux of the matter is not the order of seeking approval for the staffing/financial and legislative proposals, but Members' stance on the proposed accountability system. The Chairman of the Subcommittee, Hon IP Kwok-him, points out that the staffing and financial proposals, as well as the Resolution, are part and parcel of the legislative steps for implementing the accountability system. It would only be logical for Members to vote on these proposals in a consistent manner.

17. Hon Albert HO considers that all the arguments and confusion about whether approval for the staffing/financial proposals, or the Resolution, should be sought first could have been avoided if the Administration has not adopted such a piecemeal approach, and has agreed to introduce a comprehensive bill to provide legal backing for the accountability system. He considers that the Administration's refusal to formally promulgate the decision of CE in Council on the accountability system is tantamount to holding the legislative process in contempt. Dr Hon YEUNG Sum expresses strong dissatisfaction at the Administration's proposed arrangement.

18. The Administration has responded that it is grateful for members' views, but it remains the Administration's position that the staffing/financial and legislative proposals should be considered by ESC, FC and the Council on 6, 14 and 19 June 2002 respectively.

### **Leave relief arrangement for principal officials**

19. At the request of the Subcommittee, the Administration has provided a paper to explain the arrangements during the temporary absence of principal officials. Members have noted that principal officials are not expected to take leave for any length of time other than when the Legislative Council (LegCo) is

in recess. The Administration considers it unnecessary to make special arrangements if a principal official takes leave for only a few days and is still physically in Hong Kong. However, to cater for exceptional circumstances which may arise during the absence of a principal official who is away from Hong Kong, special arrangements will, as necessary, be made for the exercise of statutory functions which have not been delegated, and for attendance at LegCo meetings.

20. Hon Emily LAU has sought clarification on the arrangements for CE to appoint another principal official or public officer to exercise the relevant statutory powers or duties during the temporary absence of a principal official. The Administration has advised that normally a principal official will not take long leave when LegCo is in session. If the relevant statutory powers have not been delegated and the principal official concerned is outside Hong Kong, CE may, as necessary, by notice in the Gazette, direct another principal official or a senior civil servant working in the relevant policy bureau to exercise the statutory powers or functions. Any such arrangement made in this connection will be published in the Gazette. If issues unexpectedly arise in LegCo which concern the principal official who is temporarily away from Hong Kong, arrangement will be made for another principal official to attend meetings of LegCo and speak on behalf of the Government.

21. The Administration has also informed members that during the temporary absence of SJ and SCS, a designated Law Officer and the Permanent Secretary in the Civil Service Bureau will attend LegCo meetings to speak on behalf of the Government on business relating to SJ and SCS respectively. In doing so, they will have to limit themselves to established policy.

22. Hon James TIEN has asked whether the principal official's administrative assistant (at D2 level) can attend LegCo meetings on behalf of the principal official if he has other official engagements, such as attendance at a radio programme. The Administration has responded that it is for the principal official concerned to prioritise his work. A principal official is expected to give priority to attendance at LegCo meetings. If the principal official cannot attend a LegCo Panel or other committee meeting due to other more important commitments, he may consider asking the relevant Permanent Secretary to attend the LegCo Panel or other committee meeting to speak on behalf of the Government.

### **Preserving the integrity and political neutrality of the civil service**

23. In response to members' concerns about preserving the impartiality and integrity of the civil service, the Administration has provided the proposed content of the composite circular to be issued to civil servants to explain their

role and responsibilities in relation to principal officials under the accountability system. The circular aims to set out the mechanism for upholding and promoting the integrity, impartiality and honesty of the civil service.

24. In response to Hon Emily LAU's request, the Administration has agreed to consider including the working relationship between civil servants and Director of CE's Office in the circular.

25. Hon Cyd HO and Hon Emily LAU consider that the first sentence in paragraph 12 of the proposed circular should be deleted as its content is contrary to the objective of preserving the integrity and impartiality of the civil service. They are of the view that if civil servants are required to "conduct themselves in such a way as to deserve and retain the confidence of the principal officials who are appointed from time to time" (as stated in the first sentence of paragraph 12 of the proposed circular), it would only encourage the culture of "shoe-shining" and currying favour with the bosses. This would politicise the civil service and undermine its impartiality.

26. The Administration has responded that paragraph 12 of the circular aims to enhance professionalism of civil servants and to preserve the core values of the civil service. There is no intention to encourage any "shoe-shining" culture among civil servants. In fact, there is a well-established staff performance appraisal mechanism for civil servants, and their promotion and discipline are determined having regard to the advice of the Public Service Commission. The Administration has agreed to revise the wording of paragraph 12 of the circular to take account of concerns expressed by members.

27. At the meeting on 28 May 2002, Hon Emily LAU asked whether the Administration had consulted the civil servants' associations on the proposed circular. The Administration responded at the meeting that as the drafting of the proposed circular had just been completed, the views of the civil servants' associations had not yet been sought. To address members' concern, the Chairman of the Subcommittee, Hon IP Kwok-him, suggested that the Administration should consult the civil servants' associations on the proposed contents of the circular and report the outcome to the Subcommittee.

28. At the Subcommittee meeting on 31 May 2002, Hon Emily LAU queried the accuracy of SCS's remarks that the Administration had already invited views of the civil servants on the draft circular (我們已經就通告的初稿，徵詢公務員的意見) made during the motion debate on the accountability system at the Council meeting commencing on 29 May 2002. Hon Emily LAU had pointed out that it was only on 28 May 2002 that the Administration informed the Subcommittee that it had not yet sought the views of the civil servants' associations. The Administration had explained that aside from the proposed framework for the composite circular set out in an earlier paper submitted to the Subcommittee, SCS had subsequently issued a copy of the draft composite circular to the staff sides and invited them to give views before 7 June 2002. The Administration has agreed to report the outcome of the consultation.

## **Director of CE's Office**

29. The Subcommittee has noted the job description of the post of Director of CE's Office. Some members, including Hon Howard YOUNG, Hon CHEUNG Man-kwong, Hon Emily LAU and Hon LEE Cheuk-yan, have expressed concern as to how the Director will be held accountable for his work, if the position is to be a political appointment. These members have pointed out that as the Director is not a principal official under the accountability system and does not have any policy responsibility, it will be difficult for the public to know whether he has made serious mistakes, for example, in dealing with the work concerning information coordination and the Executive Council (ExCo) Secretariat. In this connection, Hon LEE Cheuk-yan has referred to the recent row between the Police and ICAC, and asked what the Information Coordinator has done, and how he is held accountable for failing to coordinate a uniform Government position on the matter.

30. The Administration has responded that the Director of CE's Office will have to comply with the Code for the Principal Officials and other relevant legislation and regulations applicable to principal officials under the accountability system. The Director will also have to appear before the relevant LegCo Panels or other committees to answer questions on the work of CE's Office. If he makes serious mistakes in his work or loses public confidence, he may be dismissed by CE. As regards the recent row between the Police and ICAC, the Information Coordinator is of the view that it is basically a matter of communication between the two departments. In this incident, CE's Office has made arrangements for CE to discuss with the two Commissioners at the earliest opportunity and both have given undertakings that they will improve communication. The Information Coordinator has also reiterated to the media the Government's determination to fight corruption to allay any public worries.

31. In response to Hon NG Leung-sing, the Administration has advised that the work of Director to CE's Office will be similar to that of the Chief of Staff of the White House Office, but with a lower level of responsibility. Regarding the concern that the Director may become a "special envoy" of CE and have excessive influence, the Administration has explained that the Director must comply with the Code for Principal Officials and relevant legislation and procedure. He is answerable to CE and will act according to CE's directions in handling the work of CE's office. There is no question of the Director acting beyond CE's instructions and the Director's area of responsibility.

32. The Administration has also cited the example that the Director will act like a "manager of a football team" who will assist Secretaries of Department and Directors of Bureau to formulate the government's media and public relations strategy on key policy areas to secure public support. The

Administration refutes any speculation that the Director may interfere with academic autonomy or press freedom, as the Administration is committed to safeguarding the freedom of expression.

33. Hon Emily LAU, Hon Margaret NG and Hon Cyd HO have questioned the source of authority for the Director of CE's Office, as he will not be a principal official under the accountability system, and there is no mention of the post in the legislative proposals, the Code for Principal Officials or the composite circular to civil servants. To avoid causing confusion to the public and civil servants, these members consider that there should be specific provisions in the legislative proposals and the Code about the authority and responsibilities of the Director of CE's Office, and his working relationship with civil servants should be set out in the composite circular. Hon Margaret NG stresses that it is important to define the authority of the Director and principal officials, to prevent corruption or abuse of position by them or their staff.

34. The Administration has responded that the principal officials and the Director of CE's Office are required to observe the Laws of Hong Kong and all relevant legislation and regulations applicable to public servants. As in the case of principal officials, the Director will need to observe the Code and respect the political neutrality and professionalism of the civil service when working with civil servants. To remove any doubt in this respect, the Administration has agreed to make reference to the Director of CE's Office in the composite circular which sets out the working relationship between principal officials and civil servants.

35. Hon CHAN Kam-lam has asked about the role of the Director of CE's Office in coordinating the ExCo agenda among CE, CS and FS. The Administration has advised that the overall government policy agenda will be determined by CE with the assistance of CS and FS, and the Director of CE's Office is only to ensure that the ExCo meeting agenda reflects the priorities of the overall government policy agenda. In this regard, the Administration envisages that there will be even better coordination among CE and the principal officials after the introduction of the accountability system.

36. In response to Dr Hon Philip WONG, the Administration has confirmed that the appointment of the Director of CE's Office will be on non-civil service contract terms at a rank equivalent to D8 level. The Director may be selected from within or outside the civil service.

## **Issues relating to appointment, employment and removal of principal officials**

### Integrity checking

37. Hon CHEUNG Man-kwong has requested the Administration to brief members on the integrity checking system applicable to principal officials. The Administration has explained that the integrity checking system provides for three levels of checks, namely appointment checking, normal checking and extended checking. Principal officials under the accountability system are subject to extended checking which is the highest level of checking applicable to very senior civil service posts. Given that these candidates are for positions outside the civil service and they will be directly answerable to CE, their checking will be initiated by CS, whereas that for CS will be initiated by CE's Office.

38. Mr LEE Cheuk-yan has asked about the details of the integrity checking. The Administration has explained that the same checking questionnaire or form as currently used in the civil service will be issued to the person who is to be nominated for appointment as principal official. The form seeks information relating to the personal particulars of the individual, his education background, social activities, employment history, family members, and requests for nomination of two referees. The Police will continue as the agent responsible for the checking and the input of ICAC will be sought as necessary. The checking will comprise interviews with the subject, his referees and supervisors as well as record checks. Upon completion of the checking, a report covering all details as disclosed and collected will be submitted to CE for consideration. CE will then decide whether the candidate's integrity and character are suitable for nomination for appointment as a principal official.

39. In response to Hon CHEUNG Man-kwong's request for a copy of the form, the Administration considers that it is not appropriate for the form to be made available for the Subcommittee's reference as the whole integrity checking process, including the form used, is confidential.

40. As regards the processing time for the checking, the Administration has advised the Subcommittee that it will vary case by case. Hon CHEUNG Man-kwong has expressed concern whether the checking of the principal officials under the accountability system would be completed before their appointment which, according to the Administration, will take effect on 1 July 2002. The Administration has assured members that while it is not appropriate to place a time limit on the processing time, the Administration would accord priority to these cases and ensure that the checking is completed in time.

### Pay adjustment mechanism for principal officials

41. Hon Emily LAU has reiterated her request for a pay adjustment mechanism for principal officials to be put in place. The Administration has responded that the remuneration of principal officials will be adjusted if civil service salaries are cut later this year. Other than this, there will not be any pay adjustment mechanism for principal officials. In the event that the remuneration of principal officials is out of kilter with movements in the market, it will be for CE to decide if a review should be initiated.

### Pension payment and arrangements for serving civil servants appointed as principal officials

42. Hon CHEUNG Man-kwong has again expressed concern that for a civil servant who is appointed a principal official, he will receive "quadruple" benefits. These benefits are: a substantial increase in salary with the element of housing and education allowances included even though the civil servant would likely have exhausted his entitlement to these benefits; encashment of his leave; payment of the pension lump sum even before he has reached retirement age; and monthly pension. Mr CHEUNG has, in particular, pointed out that for a civil servant who joins a public-funded organisation after retirement, it is standard practice that his monthly pension payment will be suspended under existing pension legislation. He queries the "double standard" being applied by the Administration.

43. The Administration has explained that there is no question of "double standard" or "double benefit" being applied as the civil servant who is appointed principal official will not be receiving any contract gratuity whereas in the case of a retired civil servant joining the public service or a public-funded organisation he will normally receive a gratuity upon the satisfactory completion of his contract. Hon Andrew WONG has indicated that while he has no objection to the Administration's proposal, the Administration should make clear that this is a special arrangement and a departure from the existing practice. In further response to Mr WONG, the Administration has explained that CE's approval is required under the pension legislation for a civil servant who is appointed a principal official to receive his monthly pension.

## **Conflict of interest and Code for Principal Officials**

### Involvement in political activities

44. Some members, including Hon CHEUNG Man-kwong and Hon Emily LAU, have expressed concern that a person who is a member of a foreign or non-Hong Kong-based political party, such as the Communist Party or the

Kuomintang, can be appointed as a principal official. They are of the view that if principal officials can be members of foreign or non-Hong Kong-based political party, it may affect public perception of the loyalty and integrity of the principal official concerned in discharging his official duties. Hon CHEUNG Man-kwong has also pointed out that this will also give rise to conflict of interest, and it may also cause embarrassment to the government or CE or other principal officials, which is contrary to the principles in Chapter 4 of the Code for Principal Officials. He considers that a prospective principal official should be required to disclose his membership of or affiliation to any political party or organisation before appointment, and the information should be made public.

45. The Administration has stressed that freedom of association is protected by law in Hong Kong. It is for the prospective principal official to consider whether his political affiliation will give rise to conflict of interest and contravene any of the principles in Chapter 4 of the Code. The prospective principal official should disclose his political affiliation to CE, and it is for CE to decide whether to put forward the nomination, having regard to the principles set out in the Code for Principal Officials. It is also the responsibility of a principal official to ensure that no conflict will arise with his oath to uphold the Basic Law (BL) and his oath of allegiance to the Hong Kong Special Administrative Region, as well as those principles set out in the Code for Principal Officials. Nevertheless, the Administration has agreed to make available for public inspection upon request principal officials' declaration on membership of political parties.

46. Hon Margaret NG, Hon Emily LAU, Hon Albert HO and Hon Cyd HO consider that if it is the policy that members of political parties are eligible for appointment as principal officials under the accountability system, this should be spelt out clearly in the Code for Principal Officials. These members have also requested that the Code should specify whether principal officials would be allowed to take part in fund-raising campaigns and electioneering activities, for example, to solicit support for a political party or candidates of CE election or District Councils elections.

47. The Administration has responded that it is not possible to spell out all possible situations in the Code for Principal Officials. It will be for the principal official to consider, before taking part in activities organised by political organisations or bodies, whether his participation in such activities will contradict the principles set out in Chapter 4 of the Code. Nevertheless, the Administration has agreed to consider Hon Emily LAU's suggestion that the Administration should have regard to the provisions of the United Kingdom (UK) Ministerial Code and spell out explicitly in the Code for Principal Officials that principal officials cannot use public funds or other public resources for political party work.



### Declaration of interests

48. Referring to the Administration's response to a query raised by the Subcommittee, Hon Emily LAU requests the Administration to make reference to the UK Ministerial Code in considering whether a principal official can be a director of a company. The Administration has agreed to make clear in the employment contract and in the Code that during the term of office, a principal official cannot be a director of any public or private company, irrespective of whether the directorship carries remuneration or not. The only exceptions are cases where the principal official is appointed to the relevant board of directors in his official capacity or where the CE's prior written consent has been obtained (e.g. in connection with private family estates) or honorary posts in non-profit making organisations or charitable bodies. Even in these cases, it is the responsibility of the principal official to ensure that no conflict of interest is likely to arise between his official duties and his interests in these organisations/bodies.

49. In response to Hon Albert HO, the Administration has also advised that principal officials will be required to declare their investments and interests on an annual basis, and such declaration will be made available for public inspection on request. If it appears to CE that there is or may be a conflict of interest between a principal official's investments or interests and his official duties, CE may require the principal official to divest himself from the investment or interests, or take other measures as described in paragraph 5.6 of the Code for Principal Officials.

50. Hon Albert HO has requested the Administration to advise in writing the procedures to amend the Code for Principal Officials, whether CE's directions under paragraph 5.6 of the Code will be recorded and made available for public inspection, and whether the Code will be published for general information. The Administration has advised that it will inform the relevant LegCo Panel should there be any change to the Code. The Administration has also agreed to publish the Code in the Government Gazette.

### Sponsored visits

51. The Administration has informed the Subcommittee that the Code for Principal Officials will specify that a principal official is not required to seek permission for accepting an invitation from a foreign government to make a sponsored visit in his official capacity, if the visit may be regarded as official. A principal official is, however, required to seek approval from CE for accepting an invitation from an outside organisation to make a sponsored visit in his official capacity. A principal official is also required to seek approval from CE if he wishes to receive an invitation from a foreign government or an outside organisation to make a sponsored visit in his private capacity.



52. Some members, including Hon Albert HO, Hon Margaret NG and Hon Emily LAU, have queried the arrangement for allowing a principal official to make a sponsored visit in his private capacity, albeit with the approval of CE. The Administration has explained that it is possible for a principal official, who is an expert in a special field not related to the policy portfolio for which he is responsible, to be invited to make a sponsored visit in his private capacity, such as to attend a conference. Hon Margaret NG considers that to guard against persons making use of their official position for self-interest purposes, a principal official may only accept an invitation to make a sponsored visit from a foreign government or an outside organisation in his official capacity. She has requested the Administration to consider amending the Code to this effect. After consideration, the Administration has reiterated its view that the proposed arrangement is in order as accepting any such invitation will be subject to CE's approval.

53. Hon Emily LAU is dissatisfied with the Administration's response and has requested the Administration to make reference to the practice in the UK. She points out that there is no reference to a sponsored visit undertaken by Ministers in private capacity in the UK Ministerial Code. After consideration, the Administration has agreed to delete from the Code the reference to sponsored visits in private capacity.

54. The Legal Adviser has enquired whether the arrangement of not requiring a principal official to seek permission for accepting an invitation from a foreign government to make a sponsored visit in his official capacity is consistent with the relevant provisions of the Prevention of Bribery Ordinance. The Administration has explained that if the visit is official, the sponsorship would be deemed to be given to the Government of the Hong Kong Special Administrative Region which will use the sponsorship in place of government funds to send the official on the visit as a representative of the Government. There is therefore no requirement for the official to seek permission to take up the sponsorship. However, for the avoidance of doubt and possible misconception, the Administration has agreed to amend the relevant provision in the Code to specify that permission is required for accepting any sponsorship in relation to an official visit.

55. Hon Emily LAU has also suggested that the Administration should consider drawing up guidelines for principal officials to conduct overseas duty visits, by making reference to the note issued by the UK Prime Minister on "Travel by Ministers". The Administration has agreed that suitable guidelines would be incorporated in the Code.

#### Post-employment activities

56. Hon CHEUNG Man-kwong has reiterated his concern that the

committee to be appointed by CE to advise on matters concerning employment of former principal officials will be a "toothless tiger" as its advice is not binding and cannot be enforced. Given that principal officials will have access to highly sensitive information such as those relating to land use or financial services, he has urged the Administration to consider providing an effective mechanism to prevent any possible conflict of interest and enhance public confidence. For example, CE should be empowered to approve or not approve a former principal official taking up a particular employment. Hon James TIEN has expressed the view that if the committee's advice is to be made enforceable, the Administration should also consider his request of shortening the sanitation period to three months.

57. The Administration has explained that Chapter 5 of the Code for Principal Officials has set out those activities which principal officials should not undertake during the sanitisation period after stepping down. Principal officials under the accountability system will have to abide by the Official Secrets Ordinance and the Prevention of Bribery Ordinance, and they will be held criminally liable for breaching the relevant legislation. The Administration stresses that it is necessary to strike a balance between preventing abuse of official position and attracting suitable persons from outside the Government to be principal officials. The Administration considers that as the advice of the committee will be made public, there should be effective public monitoring of the post-employment activities of former principal officials.

58. As regards Hon CHEUNG Man-kwong's suggestion on a more effective mechanism, the Administration has subsequently advised the Subcommittee that it remains of the view that an advisory system should suffice.

### **Splitting, merging and retention of bureaux**

#### Revised policy portfolios

59. During the motion debate on "Accountability System for Principal Officials" held at the Council meeting commencing on 29 May 2002, CS announced that the policy portfolios of the 11 bureaux would be revised. The main changes are that –

- (a) the Environment portfolio will come under the same principal official responsible for the Transport and Works portfolios;
- (b) the Food and Environmental Hygiene will come under the Secretary for Health, Welfare and Food;

- (c) the labour portfolio will come under the same principal official responsible for the Economic Development portfolio;
- (d) manpower development including training and retraining of the workforce will remain with the Secretary for Education and Manpower; and
- (e) the Information Technology portfolio will come under the same principal official responsible for the Commerce and Industry portfolio.

60. As a result of the proposed changes, the post titles of the 11 Directors of Bureau will be as follows -

- (a) Secretary for the Civil Service (SCS);
- (b) Secretary for Commerce, Industry and Technology;
- (c) Secretary for Constitutional Affairs (SCA);
- (d) Secretary for Economic Development and Labour;
- (e) Secretary for Education and Manpower;
- (f) Secretary for the Environment, Transport and Works;
- (g) Secretary for Financial Services and the Treasury;
- (h) Secretary for Health, Welfare and Food;
- (i) Secretary for Home Affairs (SHA);
- (j) Secretary for Housing, Planning and Lands; and
- (k) Secretary for Security (S for S).

#### Portfolios of Environment, Transport and Works

61. Hon Emily LAU, Hon Cyd HO, Hon CHOY So-yuk and Hon Fred LI Wah-ming (a non-Subcommittee Member) have expressed strong reservations about the proposal of placing environmental protection and pollution control matters and the Transport and Works portfolios under the same principal official. They are worried that infrastructure development needs and environmental protection and conservation needs conflict with each other, and that the former needs would prevail over the latter needs. Hon Emily LAU has pointed out that in some countries, environmental conservation and sustainable development are accorded the highest priority. She also considers that as CE has time and again said that he is very concerned about the environment, the portfolio should be given to a principal official who is not given responsibility over other policy areas so that he could have an independent voice to fight for resources. She requests the Administration to consider the proposal.

62. Hon LEE Cheuk-yan has criticised the Administration for not conducting any consultation before deciding on the proposed changes. Hon

CHOY So-yuk is of the view that the revised proposal is more "disastrous" than the original proposal. She considers that the Environment portfolio should come under an independent bureau or merge with the Planning portfolio, but definitely not with the Transport and Works portfolios. As the Subcommittee has decided not to hold further meetings to meet with deputations, Hon CHOY So-yuk, as Chairman of the Panel on Environmental Affairs, has indicated that she would hold a special meeting to hear the views of the green groups and other concern organisations about the Administration's revised proposal.

63. Hon Raymond HO considers that although the Administration's revised proposal is not the best, it is acceptable as he does not wish to see the establishment of too many bureaux. Dr HO also takes the view that the amalgamation of these portfolios enables conflicts to be sorted out within the bureaux, and hence result in better use of resources and more efficient and effective implementation of policies under these portfolios. Hon Howard YOUNG has advised the Subcommittee that Members belonging to the Liberal Party are in support of the Administration's revised proposal.

#### Portfolios of Health, Welfare and Food

64. Hon Fred LI considers that the bureau overseeing the portfolios of Health, Welfare and Food will become a "super bureau" as the Director of Bureau will be responsible for almost one-third of government expenditure for providing services to the community and an enormous number of staff. As the Food portfolio covers both food safety and environmental hygiene matters, he is concerned whether the Director will be overburdened.

#### Portfolios of Economic Development and Labour

65. Referring to CS's speech delivered during the debate on the accountability system for principal officials, the Administration has explained that the tourism and logistics industries are the main areas of economic development which will bring plenty of employment opportunities to the labour market. The amalgamation of the portfolios of Economic Development and Labour will enable the Director of Bureau concerned to match the labour policy with that for developing these two industries.

66. Hon LI Fung-ying has expressed concern about how the interests of the labour sector and those of the business sectors can be balanced under the revised proposal of placing labour and employment matters under the same principal official responsible for Economic Development. She considers the revised proposal not well thought-out and no better than the original proposal of putting the Manpower and Commerce portfolios under the same bureaux. Ms LI points out that as the working population stands at about 3 million, there

should be a dedicated bureau for the Manpower portfolio.

67. Hon Andrew CHENG Ka-foo is also not convinced by the reason put forward by CS for merging the Labour portfolio with the Economic Development portfolio. He has requested the Administration to provide figures on the "plenty of employment opportunities" provided by the tourism and logistics industries referred to by CS in his speech. The Administration has subsequently responded in writing that the tourism and logistics industries now directly or indirectly employ over 10% of the workforce in Hong Kong. As FS mentioned in his Budget Speech 2002, the two industries are among the four important high-value-added economic sectors in Hong Kong that can foster the other sectors and give impetus to our economy.

68. Mr CHENG has pointed out employment and manpower training and development are part and parcel of the labour policy. The revised proposal of placing labour and employment matters within the purview of one bureau, and placing manpower training and development within the purview of a different bureau, would result in fragmentation of labour policy. He considers that there should be a separate manpower and labour bureau.

69. Hon CHAN Kam-lam shares the concern of Hon LI Fung-ying about the conflicting role of the Secretary for Economic Development and Labour in overseeing the two policy portfolios within his purview. He has requested the Administration to review the arrangement and consider the possibility of transferring the Labour portfolio to another bureau, after implementation of the accountability system. Mr CHAN suggests the Administration to consider placing the Labour portfolio under the responsibility of SCS who is responsible for the management of, and formulation of policies for, the civil service. Hon Emily LAU expresses support that the Administration should consider Mr CHAN's suggestion which, in her view, is very innovative.

70. The Administration has responded that placing the Labour portfolio under SCS would give the international community a wrong impression that the entire working population of Hong Kong of 3 million people are civil servants.

71. Hon HUI Cheung-ching considers the Administration's revised proposal appropriate. However, in view of the concerns expressed by some members, he has suggested that CE could consider appointing a civil servant to be the Secretary for Economic Development and Labour. The appointee would be much more neutral and be perceived to be much more neutral in balancing the respective interests of the labour and business sectors.

72. Dr Hon YEUNG Sum has also suggested that the relevant Panel should also hear views from labour groups and other organisations concerned about

the Administration's proposal.

### Portfolios of Financial Services and the Treasury

73. Hon SIN Chung-kai is of the view that for the purpose of streamlining the government structure, the portfolios of Financial Services and the Treasury should be placed under FS who is responsible for functions in respect of public finance and monetary affairs. He does not consider it necessary to have a separate Director of Bureau responsible for the Financial Services and Treasury portfolios, as proposed by the Administration.

### Response of the Administration

74. The Administration has responded that it has considered the views of Members and different sectors of the community in deciding on the revised amalgamation of the various policy portfolios as announced by CS at the Council meeting commencing on 29 May 2002. The Administration hopes that members would appreciate that it is not possible for the Administration to come up with a formulation which would be acceptable to everyone. However, the Administration would not rule out the possibility of making changes to the areas of responsibilities of the reorganised bureau in the future, if considered necessary.

75. Hon TSANG Yok-sing has pointed out that it would be very difficult to make changes to the areas of responsibility of the bureaux after the implementation of the accountability system as the principal officials would have drawn up their respective work plans. He asks whether further changes to the Administration's revised proposals can still be made at this stage. He reckons that if the appointee is an incumbent policy secretary, there would not be any problem for him to take on a different area of work at short notice as administrative officers are generalists by training and experience. Even if the principal official is recruited from outside the civil service, Mr TSANG believes that the candidate would have the political acumen to cope with new challenges.

76. Hon Andrew WONG is of the view that it is not necessary for the Administration to change the current post-titles of the Directors of Bureau, and to effect transfer of statutory functions by way of a resolution under section 54A of Cap. 1. Mr WONG has suggested that one Director of Bureau can simply double up as the Director of another Bureau.

77. The Administration has responded that as a decision has already been taken, it will not consider making further changes. Moreover, the legislative timetable does not allow further changes to be made as the Resolution to effect the transfer of statutory functions will be moved at the Council meeting on 19

June 2002. The Administration has to give notice of the Resolution and provide the text of the Resolution to LegCo by 3 June 2002.

## **Financial and staffing implications**

### Permanent Secretary posts

#### *ESC Paper*

78. Members note that in the paper to be submitted to ESC for consideration on 6 June 2002, the Administration proposes to retain the existing 16 D8 civil service posts in bureaux and re-title them as Permanent Secretaries. Some members are dissatisfied that very limited information has been provided in the ESC paper to justify the need for the 16 Permanent Secretary posts and pitching them at D8 level.

79. Hon Emily LAU and Andrew WONG have pointed out that according to the ESC Procedure, the endorsement of ESC should be sought for the creation, redeployment and deletion of permanent and supernumerary posts remunerated at the directorate pay scales, as well as changes to the organisational structure of the Government and consequential transfers of posts. Hon Emily LAU and Hon LEE Cheuk-yan do not accept the Administration's explanation that apart from the post titles, the duties of the Permanent Secretaries will be broadly similar to those of the D8 civil service posts. They have queried the Administration's approach of simply treating the changes as a post re-titling exercise, and have requested the Administration to seek the endorsement of ESC for the creation or redeployment of these posts. Hon Cyd HO is concerned whether a Permanent Secretary will be required to serve two Directors of Bureau.

#### *Supplementary information to the ESC paper*

80. In response to members' request, the Administration has provided supplementary information on the proposed arrangements, including the intention to retain 11 existing D8 civil service posts in certain policy bureaux, and to create under delegated authority five supernumerary posts to be held against five permanent D8 vacancies for one year to accommodate the five Permanent Secretaries with schedule of responsibilities substantially different from the current ones. The arrangements for the five supernumerary D8 posts are -

- (a) one existing D8 post will take up matters relating to education and manpower but will be relieved of the responsibility for labour issues;
- (b) one existing D8 post will take up matters relating to health and welfare as well as food safety;

- (c) one existing D8 post will take up matters relating to transport and works;
- (d) one existing D8 post will take up matters relating to environmental protection and conservation; and
- (e) one existing D8 post will take up matters relating to labour issues.

81. In respect of the Administration's proposed arrangements, members have raised the following concerns -

- (a) whether redeployment of duties is involved in changing the existing D8 posts to Permanent Secretary posts, and whether it is proper to re-title 11 of the 16 posts with no substantial changes in the schedule of duties and create five supernumerary posts to accommodate those with substantial changes;
- (b) whether it is justified to pitch Permanent Secretary posts at D8 level having regard to their changed responsibilities after the addition of a new layer of principal officials;
- (c) whether the proposed division of schedules among the Permanent Secretaries would give rise to unfair distribution of work; and why it is necessary to have 16 Permanent Secretaries to underpin 11 principal officials.

*Arrangements for retaining the 16 D8 posts in bureaux*

82. Regarding the Administration's proposed arrangements in retaining the 16 D8 posts in bureaux, Assistant Secretary General 1 (ASG1), Clerk to FC, has advised that in 1983, the then FC delegated to FS and, through his further delegation, Controlling Officers powers to create supernumerary directorate posts to replace officers on no-pay leave, etc, or to be held against vacant permanent posts at the same or higher salary level for a period not exceeding 12 months. As it was not explicit whether this delegated authority also covered redeployment of directorate posts, and since this was not included in the terms of reference of ESC at that time, a research study was conducted by the Secretariat. Findings reveal that ESC had in fact endorsed proposals in relation to redeployment of directorate posts even before 1983. It is therefore considered that the delegated authority also covers deployment of directorate posts. The Administration therefore has the authority to create the supernumerary posts as stated, but whether this arrangement is most appropriate would be for the Subcommittee to consider.

83. The Subcommittee notes that it has been the long-standing practice for proposals involving redeployment of duties of a permanent nature to be put to ESC with full details of the proposed changes. Hon Andrew WONG, Hon Emily LAU and Dr Hon YEUNG Sum consider that it is more appropriate and straight-forward to seek ESC's endorsement and then FC's approval for the redeployment of duties of all 16 posts.

84. In response to members, the Administration maintains the view that it is legally and procedurally in order to effect the temporary deployment of the five D8 posts concerned by using the delegated authority. As regards the long-term arrangements, it will be for the principal officials to review the working relationship between the bureaux and departments as well as the staffing and structure of their policy bureaux, including the number of D8 civil service posts, after they have assumed office.

85. The Legal Adviser has raised doubts on the legality of establishing the posts of Permanent Secretary by way of re-titling the 16 D8 posts from Director of Bureau to Permanent Secretary, and has advised that he will examine whether it is legally and procedurally in order for the Administration to use the delegated authority in question to effect the reorganisation under the accountability system as proposed by the Administration. He will provide a paper for Members.

#### *Number of D8 posts*

86. In response to Hon Andrew WONG on the need for 16 posts of Permanent Secretary to underpin the 11 Directors of Bureau, the Administration has explained that apart from assisting the principal officials in formulating policies and explaining and defending policies, the Permanent Secretaries will continue to steer and coordinate the implementation of agreed policies and programmes by executive departments. The Administration considers that all the 16 D8 civil service posts will have to be retained, to ensure that the principal officials will be given the maximum support in the bureaux when they assume office.

#### *Ranking of Permanent Secretary posts*

87. Some members, including Hon Howard YOUNG, Hon Emily LAU and Hon CHEUNG Man-kwong, have questioned the need for pitching the Permanent Secretary posts at D8 level. They are concerned that it may give the public the impression that the accountability system is only to create an additional tier of senior officials, with the costs to be met by savings achieved through staff reduction at lower ranks. Hon Emily LAU and Dr Hon YEUNG Sum are of the view that it is not fair to ask taxpayers to bear the costs for the implementation of the accountability system given the current economic

climate.

88. Hon Howard YOUNG considers that the ranking of Permanent Secretary posts should be lower as they will have lesser responsibilities in policy formulation under the accountability system. However, he is prepared to accept the current ranking of D8 as an interim arrangement subject to the Administration's undertaking to review within 12 months.

89. Some members including Hon CHEUNG Man-kwong, Hon James TIEN and Hon Emily LAU, have expressed concern that there will be difficulties in downgrading the posts, if considered necessary, after 12 months. Hon CHEUNG Man-kwong considers that some Permanent Secretary posts should be pitched at D4 or D6 level, and they can be upgraded at a later stage subject to justifications.

90. Hon Andrew WONG holds a different view. He considers that the Permanent Secretary posts should be of a sufficiently senior rank in order to preserve the status, professionalism and impartiality of civil servants under the accountability system. He suggests that if Members wish to cut costs, the remuneration for principal officials should be reduced. He has pointed out that in some countries, the pay of politically appointed Ministers is lower than that of senior civil servants.

91. The Administration has reiterated that it is appropriate to retain the posts at D8 level for the time being, in order to provide sufficient support to the principal officials. It will be for the principal officials to review and determine the structure and staffing of their respective bureaux and departments, including the ranking of the Permanent Secretaries working to them. Moreover, the additional costs of \$42 million will be offset by staff savings, at the directorate level, in the next financial year.

92. In response to members, the Administration has confirmed that those officers acting in the D8 Permanent Secretary posts will not be promoted substantively within the immediate 12 months, pending a review to be carried out on the ranking of these posts. The Administration has also confirmed that it will not extend these supernumerary posts beyond 12 months, without the endorsement of ESC and approval of FC.

#### *Distribution of duties among the Permanent Secretaries*

93. Referring to the list provided by the Administration on the number of Permanent Secretaries under each Director of Bureau, Hon LEE Cheuk-yan and Hon CHEUNG Man-kwong are of the view that the distribution of duties among the 16 Permanent Secretary posts is very uneven. For example, the Permanent Secretary responsible for matters relating to health, welfare and food safety will have a very heavy schedule, while the respective schedules of the Permanent Secretaries responsible for constitutional affairs and civil service

matters will be much lighter. They request the Administration to reconsider the ranking of Permanent Secretary posts and the distribution of work among them. Hon LEE Cheuk-yan has questioned whether the uneven distribution of duties reflects that some policy areas will be accorded lower priority in the future allocation of resources.

94. The Administration has responded that there is no change in the number of staff in the different bureaux and departments under the accountability system. There will only be a net increase of 11 posts for principal officials. It will be for the principal officials to determine the relative priorities of the different areas of work within their purview and the allocation of resources. As regards the schedule of the Permanent Secretary responsible for matters relating to health, welfare and food safety, the Administration has explained that these matters involve more of the work of the executive departments than that of the policy bureau.

95. Hon CHAN Kam-lam is of the view that although the proposed distribution of duties among the 16 Permanent Secretary posts is not very satisfactory, he accepts that the proposed arrangements be tried out and that a review be carried out after a period of time. He considers that if the future SCS is a senior civil servant, there is no need for a Permanent Secretary to underpin him.

96. The Administration has reiterated that the deployment of posts is only an interim arrangement, and a review will be carried out in 12 months based on practical experience.

#### Administrative support staff for Directors of Bureau

97. Hon LEE Cheuk-yan has expressed concern about the arrangement for the Directors of Bureau to recruit their own administrative staff from outside the civil service, and the implications of the arrangement on the civil service. He points out that as an employment package which is less favourable than that of the civil servants could be offered to persons recruited from outside the civil service, this would result in an increase in non-civil servants.

98. The Administration has responded that it expects that most of the administrative support staff positions would be filled by civil servants. There should be no question of the Directors of Bureau recruiting their staff from outside the civil service in order to save cost, as staff taking up the non-civil service positions would receive salary, fringe benefits and gratuity similar to and no better than those prevailing for the equivalent ranks in the civil service.

99. Hon Andrew WONG has expressed concern about the working relationship between the administrative staff of the Director and civil servants,

and that there is no mention of the arrangement of the working relationship in the ESC paper. He is particularly concerned whether the administrative assistant (a D2 post) to the Director of Bureau could exert undue influence on the work and promotion prospect, etc. of civil servants. Mr WONG has requested the Administration to consider drawing up rules to set out the working relationship between the administrative staff of a Director and civil servants. The Administration has explained that at present, both CS and FS are each provided with an administrative assistant. The arrangement has been working well and problems, as envisaged by Hon Andrew WONG, have not emerged. The Administration has subsequently provided a written response concerning the duties and responsibilities of the Administrative assistants. Details are in **Appendix I**.

#### Post of Director of CE's Office

100. Hon CHEUNG Man-kwong has requested the Administration to clarify the legal status of the Director of CE's Office in attending meetings of ExCo. He points out the Director does not belong to any one of the three categories of persons mentioned in BL 55, namely, principal officials, LegCo Members and public figures.

101. The Administration has clarified that the Director is a political appointee, but not a principal official under the accountability system. However, CE may, as he deems necessary, invite other persons concerned to sit in at meetings of ExCo under BL 55. While the Director could sit in at meetings of ExCo at the invitation of CE, he has no right to vote. If invited, he could provide advice on the public relations and media strategy in respect of specific issues being discussed.

102. Hon Andrew WONG cannot accept the Administration's proposal that the Director is a political appointee, but not a principal official under the accountability system. In his view, the Director should be one of the principal officials. Hon Emily LAU has requested the Administration to provide justifications in support of the special status of the Director in the ESC paper. The Administration has subsequently provided a written response. Details are in **Appendix I**.

#### **Resolution under section 54A of the Interpretation and General Clauses Ordinance**

##### Views of Legal Adviser

103. Some members have sought the views of the Legal Adviser on whether a resolution made under section 54A of Cap. 1 alone would be sufficient for the

implementation of the accountability system, and whether it would be more appropriate and desirable to effect the transfer of statutory functions by way of primary legislation.

104. The Legal Adviser has provided a detailed analysis of the relevant issues in a paper presented to the Subcommittee. The Legal Adviser has pointed out that there are differences in the legislative process between that for passing of a resolution and that for passing of a bill. The most significant differences lie in the debate process and the procedure for bringing the respective legislative instrument into operation. In addition, there are also matters which would be desirable to clarify by legislation in the overall context of the accountability system, but which may be unrelated to the resolution for the transfer of statutory functions, for instance, a possible confusion arising from the definition of "public servant" which provides "公務員" as one of the Chinese equivalents of that term when a new principal official who is not a civil servant (i.e. "公務員") is by definition a public servant and a public officer in law.

105. The view of the Legal Adviser is that there does not appear to be legal grounds for concluding that the application of section 54A of Cap. 1. would be unlawful.

#### The Resolution

106. The Administration has explained that the implementation of the accountability system will be accompanied by the reorganisation of a number of policy bureaux. The reorganisation will involve a change in the public officers who are to exercise the relevant statutory functions, and the transfer of the statutory functions will be effected by the Resolution under section 54A of Cap. 1.

107. The Resolution to effect the necessary transfer of statutory functions arising from the reorganisation of certain bureaux was provided to Members, in draft form, on 17 April 2002. Since then, changes have been made to the draft Resolution. These include changes arising from the adjustment to the distribution of portfolios of the policy bureaux (paragraph 59 above refers), and technical amendments. Formal notice of the revised Resolution was given by the Administration on 1 June 2002.

108. The revised Resolution provides that, with effect from 1 July 2002, the functions currently exercisable by each relevant bureau secretary by virtue of the ordinances specified in the relevant Schedule to the Resolution be transferred to the relevant bureau secretary who will take charge of the relevant policy responsibilities following the reorganisation of policy bureaux. The statutory functions (including powers and duties) to be transferred include the following -

- (a) power to amend schedules to the ordinances and make regulations, orders, rules, technical memoranda and codes of practice etc.;
- (b) power to appoint the commencement date for ordinances or regulations;
- (c) power to nominate persons for appointment, or to appoint members, to boards, committees and panels set up for purposes such as handling appeals and conducting disciplinary investigations;
- (d) power to issue licences and orders and to approve applications;
- (e) power, functions and duties relating to the handling of appeals, objections and claims for compensation;
- (f) power, functions and duties relating to the preparation, approval and publication of forms, plans and schemes;
- (g) power, functions and duties relating to the monitoring of the operation of statutory and public bodies as well as the administration of such bodies;
- (h) power to enter and inspect, or to authorise public officers to enter and inspect, places for the purposes of carrying out duties under the ordinances; and
- (i) power to determine rates of remuneration, payments, fees and charges.

109. The Administration has also explained that in order to give full effect to the Resolution, incidental, consequential and supplemental provisions are also provided for in the Resolution.

110. As the draft Resolution does not cover certain principal officials under the accountability system, namely, CS, FS, and SJ, SCS, SCA, SHA and S for S, the Legal Adviser has requested the Administration to clarify whether a transfer of statutory functions from these post holders to the new principal officials is necessary.

111. The Administration has explained that there is no change in the post-titles of the posts concerned, and the statutory powers of these posts will remain vested in the same positions under the accountability system. The fact that there is a change in their contractual arrangement does not affect the legal

position.

112. In response to members, the Legal Adviser has advised that the Legal Service Division is still examining the Resolution as the text of the revised Resolution was only received by the Legal Service Division on 3 June 2002. In line with the usual practice, the Division will prepare a report on the legal and drafting aspects of the Resolution for the consideration of the House Committee on 7 June 2002. As for the policy issues involved, they are matters for Members to consider.

113. The Legal Adviser has drawn members' attention to the transfer of statutory functions from the Secretary for the Treasury (S for Tsy) to the Secretary for Financial Services and the Treasury (S for FS & Tsy). He points out that under Cap. 1, the term "Financial Secretary" means FS and S for Tsy. S for Tsy is currently responsible to FS. With the transfer of statutory functions from S for Tsy to S for FS & Tsy, it would appear that S for FS & Tsy can exercise some of the statutory functions currently exercisable by FS. The Administration has explained that the Resolution seeks to effect transfer of statutory functions from a named bureau secretary to a named principal official, and will not change the legal effect of the statutory functions provided for under the relevant ordinances. Moreover, due to the limitations of section 54A of Cap. 1, it would not be possible to deal with policy issues beyond the mere transfer of statutory functions between public officers. The Legal Adviser advises that the matter involves the policy consideration of whether it is appropriate for another principal official to be able to exercise the statutory functions of FS who is also a principal official under the accountability system and does not have a supervisory role over that other principal official.

#### Amendments to the Resolution

114. In view of the importance of the Resolution, Hon Emily LAU considers that the Council should hold separate debates on the Resolution and its amendments. The Legal Adviser has explained that there will be separate voting on individual amendments and the original Resolution, or the Resolution as amended. The Legal Adviser also points out that it is the existing practice of the Council to hold joint debates on amendments to motions. However, under the Rules of Procedure of LegCo, the President may order separate debates on amendments to a motion. The Subcommittee notes that it is a matter for the House Committee to consider whether it should make recommendations to the President on holding separate debates on the amendment(s) to the Resolution.

115. Hon Howard YOUNG has asked whether amendments could be proposed in respect of the transfer of statutory functions between certain bureaux which are not covered in the Resolution, for example, an amendment

to effect the merging of the Constitutional Affairs Bureau and the Home Affairs Bureau. The Legal Adviser has advised that the proposed amendment is likely to fall outside the scope of the Resolution. However, he points out that the right to move a resolution under section 54A of Cap. 1 is not restricted to the Administration.

### **Interpretation and General Clauses Ordinance (Replacement of Schedule 6) Order 2002**

116. The Administration has advised the Subcommittee that the above Order, in draft form, was also provided to Members on 17 April 2002. Section 62(1) of Cap. 1 provides, among other things, that where any Ordinance confers a power or imposes a duty upon CE to make any subsidiary legislation or appointment, give any direction, issue any order, authorise any thing or matter to be done, grant any exemption, remit any fee or penalty, or exercise and other power or perform any other duty, the exercise of such power or the performance of such duty may be signified under the hand of any public officer specified in Schedule 6 to Cap. 1. CE in Council is empowered under section 62(3) of Cap. 1 to amend Schedule 6 by order published in the Gazette.

117. As a result of changes to the post-titles of the bureau secretaries who are to take charge of the relevant reorganised bureaux following implementation of the accountability system, it is necessary to make a new order to amend the list of public officers specified in Schedule 6 to Cap. 1.

118. The Administration further explains that the draft Order sets out the list of public officers who may signify the exercise of certain powers or the performance of certain duties conferred or imposed on CE. The list of public officers specified in the new Schedule 6 is largely the same as that specified in the existing Schedule with a number of existing bureau secretaries being replaced by the bureau secretaries who are to take charge of the relevant reorganised bureaux.

119. In response to the Subcommittee, the Administration advises that the draft Order will be published in the Gazette before 1 July 2002.

### **RELEVANT PAPERS**

120. A list of all relevant papers of the Subcommittee (as at 6 June 2002) is in **Appendix II**. Members are invited to note that these papers are available on the LegCo website at [http://www.legco.gov.hk/yr01-02/english/hc/sub\\_com/hs51/papers/hs51\\_ppr.htm](http://www.legco.gov.hk/yr01-02/english/hc/sub_com/hs51/papers/hs51_ppr.htm).

## **ADVICE SOUGHT**

121. As the main policy issues relating to the proposed accountability system have been discussed by the Subcommittee, members have agreed not to hold further meetings. Members have also agreed to submit a further report to the House Committee. The Subcommittee notes that as the Administration has given formal notice to move the Resolution at the Council meeting on 19 June 2002 and the Legal Adviser will present a report on the Resolution to the House Committee meeting on 7 June 2002, it will be for the House Committee to decide how the Resolution should be dealt with.

122. Members are invited to note the deliberations of the Subcommittee.

**Subcommittee to Study the Proposed  
Accountability System for Principal Officials and Related Issues**

Administration's Response to -

- (a) to explain the working relationship between the administrative assistant (D2) in support of each Director of Bureau and civil servants; and
- (b) to provide justifications for the special status of the post of Director of Chief Executive's Office, i.e. a political appointee but not a principal official under accountability system;

raised at the Subcommittee meeting on 31 May 2002 as set out in LC Paper No. CB(2) 2149/01-02(01).

On (a), the duties and responsibilities of the administrative assistants are as set out in their duty list at Annex. While they are supervisors of their support staff, e.g. personal secretaries or other staff in the private office as appropriate, they do not have supervisory responsibilities over other civil servants in the policy bureaux or departments. Staff holding the administrative assistant posts are subject to the same civil service regulations on conduct.

On (b), the Director of Chief Executive's Office is not a principal official. As such, he is not part of the "principal officials accountability system". However, as part of the senior team of the HKSAR Government, there are three elements in the job description of the Director of Chief Executive's Office which have "political content":

Firstly: the Director has to ensure that the meeting of the agenda of the Executive Council reflects the priorities of the overall policy agenda of the Government. The Government's overall policy agenda is determined by the Chief Executive, with the assistance of the Chief Secretary for Administration and the Financial Secretary. The decision on the timing for putting an issue in the public arena for discussion often involves political judgement;

Secondly: the work on information coordination involves formulating the public relations strategy for handling major issues and policies to secure support from among the public and the community. Such work often involves political judgement and content.

Thirdly: the Director of Chief Executive's Office will assist the Chief Executive in overseeing the running of the Office. He will liaise with different sectors of the community and make arrangements for

the Chief Executive to listen to the views of different occupational groups, trade bodies and different sectors. Such work may also involve political content.

Accordingly, our view is that it is more appropriate for a non-civil servant to fill this position. Our appointment arrangements for the Director is very close to that for similar positions in other jurisdictions around the world.

Duties and responsibilities of  
Administrative Assistants to Directors of Bureau

Responsible to the Director of Bureau for –

- (1) providing general administrative support to the Director of Bureau;
- (2) coordinating submissions to the Director of Bureau;
- (3) coordinating and handling replies to correspondence, including complaints, addressed to the Director of Bureau;
- (4) in co-ordination with the Press Secretary to the Director of Bureau, preparing speeches and statements to be delivered by the Director of Bureau;
- (5) planning the Director of Bureau's programme of official visits, and duty trips, both locally and overseas, co-ordinating the preparation of briefs for such visits and the follow-up action as is required;
- (6) planning meetings on various subjects, preparing briefs, and servicing the meetings; and
- (7) performing such other administrative duties as the Director of Bureau may from time to time direct.

**Subcommittee to Study the Proposed  
Accountability System for Principal Officials and Related Issues**

List of relevant papers issued

(as at 6 June 2002)

**A. LegCo Paper on System of Accountability for Principal Officials provided by Constitutional Affairs Bureau to Members at the Council meeting on 17 April 2002**

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**B. Papers issued in respect of specific areas for study by the Subcommittee**

**I. General issues**

LC Paper No. CB(2)1679/01-02(01) -- Administration's paper on whether  
(issued on 23 April 2002) introducing a new system of appointment for principal officials on terms different from those in the civil service would contravene the Basic Law

LC Paper No. CB(2)1735/01-02(01) -- Administration's paper on  
(issued on 26 April 2002) "Constitutionality of the Accountability System"

LC Paper No. CB(2)1787/01-02 -- Websites of court judgments of the four  
(issued on 2 May 2002) cases quoted in LC Paper No. CB(2)1735/01-02(01)

LC Paper Nos. CB(2)1803/01-02 -- Information notes prepared by Legal  
(01) - (04) (issued on 2 May 2002) Service Division on the judgments of the  
(Chinese version issued vide LC four cases quoted in LC Paper No.  
Paper No. CB(2)2053/01-02 on CB(2)1735/01-02(01)  
24 May 2002)

LC Paper No. CB(2)1809/01-02(01) -- Administration's paper on relationship  
(issued on 2 May 2002) between Chief Executive/principal officials/Permanent Secretaries/LegCo, powers and functions of Chief Executive and relationship between Central People's Government and principal officials

LC Paper No. CB(2)1822/01-02(01) -- Administration's paper on "Resolution  
(issued on 6 May 2002) under Section 54A of Cap. 1"

LC Paper No. CB(2)2000/01-02(01) -- Administration's paper on "The Decision  
(issued on 18 May 2002) Relating to the Accountability System"

## **II. Principal officials under the proposed system**

- LC Paper Nos. CB(2)1678/01-02 (01) - (03) (issued on 23 April 2002) -- Bar Association's submission and the Administration's two papers provided to the meetings of the Panel on Constitutional Affairs on 17 December 2001 and 21 January 2002 concerning the proposal to include the Secretary for Justice in the proposed system
- LC Paper No. CB(2)1734/01-02(01) (issued on 26 April 2002) -- Existing role of the Secretary for Justice
- LC Paper No. CB(2)1734/01-02(02) (issued on 26 April 2002) -- Existing schedule of responsibilities of the Secretary for the Civil Service
- LC Paper No. CB(2)1734/01-02(03) (issued on 26 April 2002) -- Existing role and span of control of the Chief Secretary for Administration
- LC Paper No. CB(2)1734/01-02(04) (issued on 26 April 2002) -- Existing role and span of control of the Financial Secretary
- LC Paper Nos. CB(2)1734/01-02 (05) and (06) (issued on 26 April 2002) -- Existing role and membership of the Executive Council
- LC Paper Nos. CB(2)1874/01-02 (01) and (02) (issued on 9 May 2002) -- Relevant extracts of the meetings of the Panel on Constitutional Affairs on 17 December 2001 and 21 January 2002 when the proposal to include the Secretary for Justice in the proposed system was discussed
- LC Paper No. CB(2)2075/01-02(01) (issued on 27 May 2002) -- Administration's paper on "Arrangements during Principal Officials' Temporary Absence"

## **III. The function, composition and operation of the Executive Council**

- LC Paper No. CB(2)1809/01-02(02) (issued on 2 May 2002) -- Administration's paper on "Executive Council"

- LC Paper No. CB(2)1822/01-02(02) -- Administration's paper on "References to the Chief Executive in Council in the Laws of Hong Kong"  
(issued on 6 May 2002)
- LC Paper No. CB(2)1911/01-02(01) -- Administration's paper on "References to the Chief Executive in Council in the Laws of Hong Kong"  
(issued on 13 May 2002)
- LC Paper No. CB(2)1911/01-02(02) -- Administration's paper on "Appeals to the Chief Executive in Council"  
(issued on 13 May 2002)

#### **IV. Splitting, merging and retention of Bureaux**

- LC Paper No. CB(2)1870/01-02(01) -- Administration's paper on "Portfolios of Directors of Bureau under the Accountability System"  
(issued on 9 May 2002)

#### **V. Civil service under the proposed system**

- LC Paper No. CB(2)1809/01-02(03) -- Administration's paper on "Civil Servants" and "Public Servants"  
(issued on 2 May 2002)
- IN23/01-02 issued under LC Paper No. CB(2)1810/01-02 on 3 May 2002 -- Information Note on "The Civil Service Code of the United Kingdom" prepared by Research and Library Services Division
- IN25/01-02 issued under LC Paper No. CB(2)1810/01-02 on 3 May 2002 -- Information Note on "Some Civil Service Management Issues in the United Kingdom" prepared by Research and Library Services Division
- LC Paper No. CB(2)1822/01-02(03) -- Information note prepared by the LegCo Secretariat on the McKinsey Report  
(issued on 6 May 2002)
- LC Paper No. CB(2)1822/01-02(04) -- Administration's paper on "Preserving the Integrity and Probity of the Civil Service"  
(issued on 6 May 2002)
- LC Paper No. CB(2)2101/01-02(01) -- Administration's paper on "Circular setting out the Working Relationship between Civil Servants and Principal Officials"  
(issued on 29 May 2002)

LC Paper No. CB(2)2147/01-02(01) -- Administration's paper on "Number of  
(issued on 31 May 2002) Permanent Secretaries under each Director  
of Bureau"

## **VI. Chief Executive's Office**

LC Paper No. CB(2)1871/01-02(01) -- Letter dated 8 May 2002 from Hon  
(issued on 9 May 2002) CHEUNG Man-kwong concerning the  
Director of the Chief Executive's Office

LC Paper No. CB(2)2112/01-02(01) Administration's response to Hon  
(issued on 29 May 2002) CHEUNG Man-kwong's letter of 8 May  
2002

LC Paper No. CB(2)1929/01-02(01) -- Administration's paper on "Director of the  
(issued on 13 May 2002) Chief Executive's Office"

LC Paper No. CB(2)2068/01-02(01) -- Administration's paper on "Job description  
(issued on 27 May 2002) of the post of the Director of the Chief  
Executive's Office"

## **VII. Relationship between bureaux and departments**

## **VIII. Review of advisory and statutory bodies and other public bodies, implications of the proposed system on their roles and functions**

LC Paper No. LS103/01-02 -- Paper prepared by Legal Service Division  
(issued on 23 May 2002) on "Functions and Roles of Policy  
Secretaries in Ordinances relating to the  
Monetary Authority and the Securities and  
Futures Commission"

## **IX. Development and formulation of constitutional conventions**

IN26/01-02 issued under LC Paper -- Information Note on "Some Basic  
No. CB(2)1886/01-02 on 10 May Information on Constitutional  
2002 (Chinese version issued vide Conventions" prepared by Research and  
LC Paper No. CB(2)1925/01-02 on Library Services Division  
14 May 2002)

**X. Issues relating to appointment, employment and removal of principal officials**

- LC Paper Nos. CB(2)1677/01-02 (01) - (03) (issued on 23 April 2002) -- Executive Summary, Parts 5 and 6 of the Research Report on "Process of Appointment of Senior Members of Government in Selected Countries"
- LC Paper No. CB(2)1976/01-02 (01) (issued on 16 May 2002) -- Administration's paper on "Appointment, Employment and Removal of Principal Officials"
- LC Paper No. CB(2)1986/01-02 (01) (issued on 17 May 2002) -- Letter dated 16 May 2002 from Hon CHEUNG Man-kwong concerning integrity checking and medical examination
- LC Paper No. CB(2)2112/01-02(02) (issued on 29 May 2002) -- Administration's response to Hon CHEUNG Man-kwong's letter of 16 May 2002
- LC Paper No. CB(2)2075/01-02(02) (issued on 27 May 2002) -- Administration's paper on "Extended Checking of Principal Officials"

**XI. Conflict of interest**

- LC Paper Nos. CB(2)1676/01-02 (01) - (04) (issued on 23 April 2002) -- Executive Summary and Part 6 of the Research Report on "Restrictions on Activities of Former Heads of Government and Former Senior Members of Government" and Supplementary Information
- LC Paper Nos. CB(2)1868/01-02 (01) and (02) (issued on 9 May 2002) -- Relevant extract of the Report of the delegation of the Panel on Constitutional Affairs and the UK Ministerial Code
- LC Paper No. CB(2)1910/01-02(01) (issued on 13 May 2002) -- Democratic Party's proposals on maintaining the political neutrality of the Civil Service - Code of Practice for Principal Officials
- LC Paper No. CB(2)1952/01-02(01) (issued on 15 May 2002) -- Administration's paper on "Employment Contract and Conflict of Interest"
- LC Paper No. CB(2)2185/01-02(02) (issued on 5 June 2002) -- "Travel by Ministers" - Note by the UK Prime Minister

**XII. Arrangements for civil servants appointed as principal officials under the proposed accountability system**

- LC Paper Nos. CB(2)1758/01-02 (01) - (04) (issued on 29 April 2002) -- Papers relating to pension arrangements for civil servants appointed as principal officials under the accountability system
- LC Paper No. LS95/01-02 issued under LC Paper No. CB(2)1961/01-02 on 16 May 2002 -- Paper on "Proposed Arrangements for Payment of Pension to Serving Civil Servants Appointed as Principal Officials under the Accountability System for Principal Officials" prepared by Legal Service Division
- LC Paper No. CB(2)1992/01-02(01) (issued on 17 May 2002) -- Administration's paper on "Retirement Arrangements for Pensionable Civil Servants"

**XIII. Transfer of statutory functions**

(A) Resolution under section 54A of Cap. 1

- LC Paper No. CB(2)1880/01-02(01) (issued on 9 May 2002) -- Administration's paper on "Resolution under section 54A of the Interpretation and General Clauses Ordinance - Transfer of Statutory Functions"
- LC Paper No. CB(2)2092/01-02(01) (issued on 27 May 2002) -- Administration's paper on "Resolution under section 54A of the Interpretation and General Clauses Ordinance - transitional and savings provisions"
- LC Paper No. LS106/01-02 issued under LC Paper No. CB(2)2101/01-02 on 29 May 2002 -- Paper on "Resolution of the Legislative Council made under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1)" prepared by Legal Service Division
- LC Paper No. CB(2)2158/01-02(01) (issued on 3 June 2002) -- Administration's paper on "Resolution under section 54A of Cap. 1"
- LC Paper No. CB(2)2170/01-02(01) (issued on 3 June 2002) -- Administration's paper on "Amendments to the Draft Resolution under section 54A of Cap. 1"

(a) Portfolios of Housing and Planning & Lands

LC Paper No. CB(2)2120/01-02(01) -- Administration's paper on "Transfer of Statutory Functions from Secretary for Planning and Lands to Secretary for Housing, Planning and Lands"  
(issued on 30 May 2002)

LC Paper No. CB(2)2121/01-02(01) -- Administration's paper on "Transfer of Statutory Functions from Secretary for Housing to Secretary for Housing, Planning and Lands"  
(issued on 30 May 2002)

(b) Portfolios of Financial Services and Treasury

LC Paper No. CB(2)2122/01-02(01) -- Administration's paper on "Transfer of Statutory Functions from Secretary for Financial Services to Secretary for Financial Services and the Treasury"  
(issued on 30 May 2002)

LC Paper No. CB(2)2123/01-02(01) -- Administration's paper on "Transfer of Statutory Functions from Secretary for the Treasury to Secretary for Financial Services and the Treasury"  
(issued on 30 May 2002)

(c) Portfolios of Environment, Transport and Works

LC Paper No. CB(2)2151/01-02(01) -- Administration's paper on "Transfer of Statutory Functions from Secretary for Works to Secretary for the Environment, Transport and Works"  
(issued on 3 June 2002)

LC Paper No. CB(2)2152/01-02(01) -- Administration's paper on "Transfer of Statutory Functions from Secretary for Transport to Secretary for the Environment, Transport and Works"  
(issued on 3 June 2002)

(d) Portfolios of Commerce & Industry and Technology

LC Paper No. CB(2)2141/01-02(01) -- Administration's paper on "Transfer of Statutory Functions from Secretary for Commerce and Industry to Secretary for Commerce, Industry and Technology"  
(issued on 3 June 2002)

LC Paper No. CB(2)2142/01-02(01) -- Administration's paper on "Transfer of Statutory Functions from Secretary for Information Technology and Broadcasting to Secretary for Commerce, Industry and Technology"  
(issued on 3 June 2002)

(e) Portfolios of Economic Development and Labour

LC Paper No. CB(2)2143/01-02(01) -- Administration's paper on "Transfer of Statutory Functions from Secretary for Economic Services to Secretary for Economic Development and Labour" (issued on 3 June 2002)

LC Paper No. CB(2)2144/01-02(01) -- Administration's paper on "Transfer of Statutory Functions from Secretary for Education and Manpower to Secretary for Economic Development and Labour" (issued on 3 June 2002)

(f) Portfolios of Health & Welfare and Food

LC Paper No. CB(2)2153/01-02(01) -- Administration's paper on "Transfer of Statutory Functions from Secretary for Health and Welfare to Secretary for Health, Welfare and Food" (issued on 3 June 2002)

LC Paper No. CB(2)2154/01-02(01) -- Administration's paper on "Transfer of Statutory Functions from Secretary for the Environment and Food to Secretary for the Environment, Transport and Works and Secretary for Health, Welfare and Food" (issued on 3 June 2002)

(B) Interpretation and General Clauses Ordinance (Replacement of Schedule 6) Order 2002

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LC Paper No. CB(2)2068/01-02(02) -- Administration's paper on "Interpretation and General Clauses Ordinance (Replacement of Schedule 6) Order 2002" (issued on 27 May 2002)

**XIV. Financial and staffing implications**

LC Paper No. CB(2)2068/01-02(03) -- Administration's paper on "Financial and Staffing Implications" (issued on 27 May 2002)

LC Paper No. CB(2)2185/01-02(01) -- Administration's paper on "Permanent Secretary Posts under the Accountability System for Principal Officials" (issued on 5 June 2002)

LC Paper No. LS114/01-02 issued under LC Paper No. CB(2)2217/01-02 on 6 June 2002 -- Paper on "Legal Issues relating to the Provision of Permanent Secretary posts under the Accountability System for Principal Officials" prepared by the Legal Adviser

**C. Written submissions**

LC Papers Nos. CB(2)1854, 1857, 1895, 1917, 1931, 1947, 1974, 1985, 2013 and 2072/01-02 (issued on 8, 9, 10, 13, 14, 15, 17, 21 and 27 May 2002) -- Written submissions from organisations and individuals

LC Paper No. CB(2)2073/01-02(01) (issued on 27 May 2002) -- A summary of the views expressed by organisations/individuals on the proposed accountability system

LC Paper No. CB(2)2107/01-02(01) (issued on 29 May 2002) -- Administration's response to views expressed by organisations/individuals on the proposed accountability system

**D. Other relevant papers**

**I. Issues raised at previous meetings or by individual members**

LC Paper No. CB(2)1691/01-02(04) (Chinese version issued vide LC Paper No. CB(2)1710/01-02 on 23 April 2002) -- A summary of concerns and views raised at the meetings of the Panel on Constitutional Affairs prepared by LegCo Secretariat

LC Paper No. CB(2)1711/01-02(01) (issued on 23 April 2002) -- Administration's response to issues previously raised at the meetings of Panel on Constitutional Affairs

LC Paper No. CB(2)1762/01-02(01) (issued on 30 April 2002) -- Issues raised at the meeting of the Panel on Constitutional Affairs on 18 April 2002

LC Paper No. CB(2)2034/01-02(01) (issued on 22 May 2002) -- Administration's response to issues raised at the meeting of Panel on Constitutional Affairs on 18 April 2002

LC Paper No. CB(2)1775/01-02(01) (issued on 2 May 2002) -- Issues raised at the meeting of the Subcommittee on 29 April 2002

- LC Paper No. CB(2)2034/01-02(02) -- Administration's response to issues raised  
(issued on 22 May 2002) at the meeting of the Subcommittee on 29 April 2002
- LC Paper Nos. CB(2)2055/01-02(01) and (02) -- Letters dated 23 May 2002 from Hon  
(issued on 23 May 2002) CHEUNG Man-kwong seeking written response from the Administration on various matters
- LC Paper Nos. CB(2)2112/01-02(03) and (04) -- Administration's responses to Hon  
(issued on 29 May 2002) CHEUNG Man-kwong's letters of 23 May 2002
- LC Paper No. CB(2)2104/01-02(02) -- Letter dated 30 May 2002 from Hon  
(issued on 30 May 2002) CHEUNG Man-kwong
- LC Paper No. CB(2)2206/01-02(01) -- Administration's response to Hon  
(issued on 6 June 2002) CHEUNG Man-kwong's letter of 30 May 2002
- LC Paper No. CB(2)1821/01-02(01) -- Issues raised at the meeting of the  
(issued on 6 May 2002) Subcommittee on 3 May 2002
- LC Paper No. CB(2)2034/01-02(03) -- Administration's response to issues raised  
(issued on 22 May 2002) at the meeting of the Subcommittee on 3 May 2002
- LC Paper No. CB(2)1869/01-02(01) -- Issues raised at the meeting of the  
(issued on 9 May 2002) Subcommittee on 7 May 2002
- LC Paper No. CB(2)2066/01-02(01) -- Administration's response to issues raised  
(issued on 27 May 2002) at the meeting of the Subcommittee on 7 May 2002
- LC Paper No. CB(2)1924/01-02(01) -- Issues raised at the meeting of the  
(issued on 14 May 2002) Subcommittee on 10 May 2002
- LC Paper No. CB(2)2066/01-02(02) -- Administration's response to issues raised  
(issued on 27 May 2002) at the meeting of the Subcommittee on 10 May 2002
- LC Paper No. CB(2)1926/01-02(01) -- Issues raised at the meeting of the  
(issued on 14 May 2002) Subcommittee on 11 May 2002
- LC Paper No. CB(2)2066/01-02(03) -- Administration's response to issues raised  
(issued on 27 May 2002) at the meeting of the Subcommittee on 11 May 2002

- LC Paper No. CB(2)1967/01-02(01) -- Issues raised at the meeting of the  
(issued on 16 May 2002) Subcommittee on 14 May 2002
- LC Paper No. CB(2)2045/01-02(01) -- Administration's response to issues raised  
(issued on 23 May 2002) at the meeting of the Subcommittee on  
14 May 2002
- LC Paper No. CB(2)1991/01-02(01) -- Issues raised at the meeting of the  
(issued on 18 May 2002) Subcommittee on 17 May 2002
- LC Paper No. CB(2)2066/01-02(04) -- Administration's response to issues raised  
(issued on 27 May 2002) at the meeting of the Subcommittee on  
17 May 2002
- LC Paper No. CB(2)2033/01-02(01) -- Issues raised at the meeting of the  
(issued on 22 May 2002) Subcommittee on 21 May 2002
- LC Paper No. CB(2)2092/01-02(02) -- Administration's response to issues raised  
(issued on 27 May 2002) at the meeting of the Subcommittee on  
21 May 2002
- LC Paper No. CB(2)2079/01-02(01) -- Issues raised at the meeting of the  
(issued on 27 May 2002) Subcommittee on 24 May 2002
- LC Paper No. CB(2)2104/01-02(01) -- Administration's response to issues raised  
(issued on 30 May 2002) at the meeting on the Subcommittee on  
(Chinese version issued vide LC 24 May 2002  
Paper No. CB(2)2155/01-02 on  
3 June 2002)
- LC Paper No. CB(2)2106/01-02(01) -- Issues raised at the meeting of the  
(issued on 29 May 2002) Subcommittee on 28 May 2002
- LC Paper No. CB(2)2155/01-02(01) -- Administration's response to issues raised  
(issued on 3 June 2002) at the meeting on the Subcommittee on  
28 May 2002
- LC Paper No. CB(2)2149/01-02(01) -- Issues raised at the meeting of the  
(issued on 3 June 2002) Subcommittee on 31 May 2002
- LC Paper No. CB(2)2206/01-02(02) -- Administration's response to issues raised  
(issued on 6 June 2002) at the meeting on the Subcommittee on  
31 May 2002
- LC Paper No. CB(2)2187/01-02(01) -- Issues raised at the meeting of the  
(issued on 5 June 2002) Subcommittee on 4 June 2002

LC Paper No. CB(2)2206/01-02(03) -- Administration's response to issues raised  
(issued on 6 June 2002) at the meeting on the Subcommittee on  
4 June 2002

## **II. General**

LC Paper No. CB(2)1711/01-02(02) -- A list of areas for study by the  
(issued on 23 April 2002) Subcommittee proposed by Hon Cyd HO  
Sau-lan

LC Paper No. CB(2)1728/01-02(01) -- List of Areas for Study

LC Paper No. CB(2)1728/01-02(02) -- Meeting schedule of the Subcommittee

LC Paper No. CB(2)1733/01-02(01) -- Press release dated 24 April 2002 on  
(issued on 26 April 2002) Economist Intelligence Unit (EIU) Report  
on Hong Kong

LC Paper No. CB(2)1733/01-02(02) -- Press release dated 24 April 2002 on the  
(issued on 26 April 2002) Administration's responses to the EIU  
Report on Hong Kong

LC Paper No. CB(2)1733/01-02(03) -- Press release dated 24 April 2002 on  
(issued on 26 April 2002) speech made by the Chief Secretary for  
Administration at the luncheon of the  
British Chamber of Commerce on the  
proposed accountability system for  
principal officials

LC Paper No. CB(2)2093/01-02(01) -- An updated list of issues raised by  
(issued on 27 May 2002) members and the Administration's  
response (as at 25 May 2002)

LC Paper No. CB(2)2168/01-02(01) -- An updated list of issues raised by  
(issued on 3 June 2002) members and the Administration's  
response (as at 3 June 2002)

LC Paper No. CB(2)2127/01-02(01) -- Press release on speech made by the  
(issued on 30 May 2002) Secretary for Constitutional Affairs at the  
motion debate on the accountability  
system for principal officials held at the  
Council meeting on 29 May 2002

LC Paper No. CB(2)2127/01-02(02) -- Press release on speech made by the Chief  
(issued on 30 May 2002) Secretary for Administration at the motion  
debate on the accountability system for  
principal officials held at the Council  
meeting on 29 May 2002

LC Paper No. CB(2)2161/01-02(01) -- Press release on speech made by the  
(issued on 3 June 2002) Secretary for the Civil Service at the  
motion debate on the accountability  
system for principal officials held at the  
Council meeting on 29 May 2002

**E. Reports of the Subcommittee**

LC Paper No. CB(2)2015/01-02 -- Interim Report of the Subcommittee to the  
(issued on 23 May 2002) House Committee meeting on 24 May  
2002

LC Paper No. CB(2)2171/01-02 -- Report of the Subcommittee to the House  
(issued on 6 June 2002) Committee on meeting 7 June 2002

Council Business Division 2  
Legislative Council Secretariat  
6 June 2002