

LC Paper No. CB(2)2245/01-02(01)

致 : 立法會秘書  
To : Clerk to the Legislative Council

(傳真號碼 : 2537 1204)  
(Fax No. : 2537 1204)

立法會  
**LEGISLATIVE COUNCIL**

議員作出議案預告  
**NOTICE OF MOTION BY MEMBER**

謹按照《議事規則》第29(1)條作出預告，本人擬在 2002 年  
6 月 19 日舉行的立法會會議上，動議附錄所列的議案。

In accordance with Rule 29(1) of the Rules of Procedure, I hereby give notice of my intention to move the motion in the Appendix at the Legislative Council meeting of \_\_\_\_\_.

**For Information:**

- PLC
- SG
- LA
- DSG
- SALA (2 copies)
- ASG1
- ASG2
- ASG3
- CAS(2)5
- CAS(3)1
- SAS(2)1
- SAS(3)1
- SAS(3)2
- SAS(3)3
- SCO(3)
- COI(2)1
- COI(3)1
- COI(3)3
- PS(3)2
- CO(3)3



簽署  
Signature: \_\_\_\_\_

姓名  
Name: 張文光

日期  
Date: 3/6/2002

(24.10.2001)

FOR INFORMATION: used by subject's lawyers for the purpose of the Rules of Procedure (1) only. DUC:mas

## 《釋義及通則條例》

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### 決議

（根據《釋義及通則條例》（第1章）第54A條）

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議決自2002年7月1日起 —

- (1) 將公務員事務局局長憑藉附表1第2欄指明的條例得以行使的職能如根據第(2)段作出的修訂所訂定而移轉給政務司司長；
- (2) 為使第(1)段能切實施行 —
  - (a) 修訂附表1指明的條文，廢除所有“公務員事務局局長”而代以“政務司司長”；
  - (b) 修訂《退休金條例》(第89章) —
    - (i) 在第2(1)條中，廢除“公務員事務局局長”的定義而代以 —  
““政務司司長”(Secretary)指政務司司長；”；
    - (ii) 在第17(7A)及(7B)、18(1AA)、(1AB)及(3)(b)、18A(1)及(4)條中，廢除所有“公務員事務局局長”而代以“政務司司長”；
  - (c) 修訂《公務員敘用委員會規則》(第93章，附屬法例)第2條，廢除“公務員事務局局長”的定義而代以 —

““政務司司長”(Chief Secretary for Administration)指擔任政務司司長職位的人，亦指獲得政務司司長以書面授權代他執行指明職責的擔任公職的人，但其職級不得低於高級行政主任級；”；

(3) 將公務員事務局局長或副公務員事務局局長根據《退休金條例》(第 89 章)得以行使的職能如根據第 (4) 段作出的修訂所訂定而移轉給政務司司長；

(4) 修訂《退休金條例》(第 89 章) —

在第 2B 條中，廢除“公務員事務局局長或副公務員事務局局長”而代以“政務司司長”；

(5) 將公務員事務局局長或副公務員事務局局長根據《退休金利益條例》(第 99 章)得以行使的職能如根據第 (6) 段作出的修訂所訂定而移轉給政務司司長；

(6) 修訂《退休金利益條例》(第 99 章) —

在第 3A 條中，廢除“公務員事務局局長或副公務員事務局局長”而代以“政務司司長”。

## INTERPRETATION AND GENERAL CLAUSES ORDINANCE

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### RESOLUTION

(Under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1))

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RESOLVED that with effect from 1 July 2002 –

- (1) the functions exercisable by the Secretary for the Civil Service by virtue of the Ordinances specified in column 2 of Schedule 1 be transferred to the Chief Secretary for Administration, as provided for by the amendments made under paragraph (2);
- (2) for the purpose of giving full effect to paragraph (1) –
  - (a) the provisions specified in Schedule 1 be amended by repealing “Secretary for Civil Service” wherever it appears and substituting “Chief Secretary for Administration”;
  - (b) the Pensions Ordinance (Cap. 89) be amended –
    - (i) in section 2(1), by repealing the definition of “Secretary” and substituting –  
“ “Secretary” (政務司司長) means the Chief Secretary for Administration;”;
    - (ii) in sections 17(7A) and (7B), 18(1AA), (1AB) and (3)(b), 18A(1) and (4), by repealing “公務員事務局局長” and substituting “政務司司長” ;
  - (c) the Public Service Commission Regulations (Cap. 93 sub. leg.), be amended, in regulation 2, by repealing the definition of “Secretary for the Civil Service” and substituting –

“(Chief Secretary for Administration” (政務司司長) means the person holding the office of Chief Secretary for Administration and also means any person holding a public office not below that of Senior Executive Officer who is authorized in writing by the Chief Secretary for Administration to perform specified duties on his behalf;”;

- (3) the functions exercisable by the Secretary for the Civil Service or a Deputy Secretary for the Civil Service by virtue of the Pensions Ordinance (Cap. 89) be transferred to the Chief Secretary for Administration, as provided for by the amendments made under paragraph (4);
- (4) the Pensions Ordinance (Cap. 89) be amended –  
in section 2B, by repealing “Secretary for the Civil Service or a Deputy Secretary for the Civil Service” and substituting “Chief Secretary for Administration”;
- (5) the functions exercisable by the Secretary for the Civil Service or a Deputy Secretary for the Civil Service by virtue of the Pension Benefits Ordinance (Cap. 99) be transferred to the Chief Secretary for Administration, as provided for by the amendments made under paragraph (6);
- (6) the Pension Benefits Ordinance (Cap. 99) be amended –  
in section 3A, by repealing “Secretary for the Civil Service or a Deputy Secretary for the Civil Service” and substituting “Chief Secretary for Administration”.

## 附表 1

[第(1)及(2)(a)段]

關於移轉給政務司司長的  
公務員事務局局長職能的修訂

項	條例	條文
1.	《尚存配偶及子女撫恤金條例》(第 79 章)	第 3A(1)、17(4) 及 (5) 條。
2.	《退休金 (特別規定) (醫院管理局) 條例 (第 80 章)	第 6(2)(c) 條。
3.	《退休金條例》(第 89 章)	第 16(1) 及 (2) 條。
4.	《退休金規例》(第 89 章, 附屬法例)	第 17A(2)(a)(ii) 條。
5.	《公務員敘用委員會規則》(第 93 章, 附屬法例)	第 3(1)、4 及 5 條。
6.	《孤寡撫恤金條例》(第 94 章)	第 15A(1)及(4) 條。
7.	《退休金利益條例》(第 99 章)	第 8(1)、(2)(a)、 (b) 及 (d)、 10(2)(b) 及 (3)(b)、11(1)(j) 及 (3)、 19(4A)、(4B) 及 (7)(aa)、19A(1) 及 (4)、20(10A) 及 (10B)、 22(1)、30(1)及 (2) 及 35(1)(g) 條。

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| 8.  | 《退休金利益規例》(第 99 章, 附屬法例)                   | 第<br>15A(2)(a)(ii) 、<br>16(6) 、 19(2) 、<br>23(1A) 及 (5)<br>及 24 條。        |
| 9.  | 《1992 年接受利益 (總督許可) 公告》<br>(第 201 章, 附屬法例) | 第 1(a) 、 9(1) 及<br>(4)(a) 條。  |
| 9.  | 《監獄條例》(第 234 章)                           | 第 25(3) 條。  |
| 11. | 《監獄規例》(第 234 章, 附屬法例)                     | 第 255E(2) 條。  |
| 12. | 《普查及統計條例》(第 316 章)                        | 第 5(2) 條。   |
| 13. | 《政府飛行服務隊(紀律)規例》<br>(第 322 章, 附屬法例)        | 第 21(2) 條。  |
| 14. | 《香港海關條例》(第 342 章)                         | 第 16(2) 條。  |
| 15. | 《香港海關 (紀律) 規則》(第 342 章, 附屬法例)             | 第 21(2) 條。  |
| 16. | 《公職人員 (轉付薪酬) 條例》(第 363 章)                 | 第 2(1) 、 4(1) 及<br>(3) 條。   |
| 17. | 《特准人員的宣布》(第 363 章, 附屬法例)                  | 賦權條文  |
| 18. | 《退休金利益 (司法人員) 條例》(第 401 章)                | 第 20(4A) 、 (4B)<br>及 (7)(aa) 、<br>20A(1) 及<br>(4) 、 21(10A) 及<br>(10B) 條。 |
| 19. | 《退休金利益 (司法人員) 規例》<br>(第 401 章, 附屬法例)      | 第 22(1A) 及<br>(5) 條。  |
| 20. | 《退休金 (特別規定) (香港教育學院) 條例》<br>(第 477 章)     | 第 3(1)(c) 及<br>7(4) 條。  |

## SCHEDULE 1

[para. (1) &amp; (2)(a)]

**AMENDMENTS RELATING TO TRANSFER OF FUNCTIONS OF  
SECRETARY FOR THE CIVIL SERVICE TO  
CHIEF SECRETARY FOR ADMINISTRATION**

Item	Ordinance	Provision
1.	Surviving Spouses' and Children's Pensions Ordinance (Cap. 79)	Sections 3A(1), 17(4) and (5).
2.	Pensions (Special Provisions)(Hospital Authority) Ordinance (Cap.80)	Section 6(2)(c).
3.	Pensions Ordinance (Cap. 89)	Sections 16(1) and (2).
4.	Pensions Regulations (Cap. 89 sub. leg.)	Section 17A(2)(a)(ii).
5.	Public Service Commission Regulations (Cap. 93 sub. leg.)	Regulations 3(1), 4 and 5.
6.	Widows and Orphans Pension Ordinance (Cap. 94)	Sections 15A(1) and (4).
7.	Pension Benefits Ordinance (Cap. 99)	Sections 8(1), (2)(a), (b) and (d), 10(2)(b) and (3)(b), 11(1)(j) and (3), 19(4A), (4B) and (7)(aa), 19A(1) and (4), 20(10A) and (10B), 22(1), 30(1) and (2) and 35(1)(g).
8.	Pension Benefits Regulations (Cap. 99 sub. leg.)	Regulations 15A(2)(a)(ii), 16(6), 19(2), 23(1A) and (5) and 24.
9.	Acceptance of Advantages (Governor's Permission) Notice 1992 (Cap. 201 sub. leg.)	Paragraphs 1(a), 9(1) and (4)(a)
10.	Prisons Ordinance (Cap. 234)	Section 25(3).
11.	Prison Rules (Cap. 234 sub. leg.)	Rule 255E(2).
12.	Census and Statistics Ordinance (Cap. 316)	Section 5(2).
13.	Government Flying Service (Discipline) Regulation (Cap. 322 sub. leg.)	Section 21(2).
14.	Customs and Excise Service Ordinance(Cap.342)	Section 16(2).



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| 15. | Customs and Excise Service (Discipline) Rules<br>(Cap. 342 sub. leg.)                      | Rule 21(2).  |
| 16. | Public Officers (Assignment of Emoluments)<br>Ordinance (Cap. 363)                         | Sections 2(1), 4(1)<br>and (3).  |
| 17. | Declaration of Authorized Officers<br>(Cap. 363 sub. leg.)                                 | Empowering section.  |
| 18. | Pension Benefits (Judicial Officers) Ordinance<br>(Cap. 401)                               | Sections 20(4A), (4B)<br>and (7)(aa), 20A(1)<br>and (4), 21(10A) and<br>(10B). |
| 19. | Pension Benefits (Judicial Officers) Regulations<br>(Cap. 401 sub. leg.)                   | Sections 22(1A) and<br>(5).  |
| 20. | Pensions (Special Provisions)(The Hong Kong<br>Institute of Education) Ordinance(Cap. 477) | Sections 3(1)(c) and<br>7(4).  |