

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

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

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 the Schedule be transferred to the Chief Secretary for Administration;
- (2) for the purpose of giving full effect to paragraph (1) –
 - (a) the provisions specified in the Schedule be amended by repealing “Secretary for the 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) and 18A(1) and (4), by repealing “公務員事務局局長” wherever it appears 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;”;

- (d) the Acceptance of Advantages (Governor’s Permission) Notice 1992 (Cap. 201 p. c) be amended –
 - (i) in paragraphs 1(a) and 9(4)(a), by repealing “or the Secretary for the Civil Service”;
 - (ii) in paragraph 9(1)(a) and (b), by repealing “, the Secretary for the Civil Service”;
- (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;
- (4) for the purpose of giving full effect to paragraph (3), 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;
- (6) for the purpose of giving full effect to paragraph (5), 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”.

SCHEDULE

[paras. (1) & (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) and 17(4) and (5).
2.	Pensions (Special Provisions)(Hospital Authority) Ordinance (Cap. 80)	Section 6(2)(c).
3.	Pensions Ordinance (Cap. 89)	Section 16(1) and (2).
4.	Pensions Regulations (Cap. 89 sub. leg.)	Regulation 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)	Section 15A(1) and (4).
7.	Pension Benefits Ordinance (Cap. 99)	Sections 8(1) and (2)(a), (b) (i) and (ii) and (d), 10(2) and (3), 11(1)(j) and (3), 19(4A), (4B) and (7)(aa), 19A(1) and (4), 20(10A) and (10B), 22(1)(b), 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.	Prisons Ordinance (Cap. 234)	Section 25(3).
10.	Prison Rules (Cap. 234 sub. leg.)	Rule 255E(2).
11.	Census and Statistics Ordinance (Cap. 316)	Section 5(2).
12.	Government Flying Service (Discipline) Regulation (Cap. 322 sub. leg.)	Section 21(2).
13.	Customs and Excise Service Ordinance (Cap. 342)	Section 16(2).
14.	Customs and Excise Service (Discipline) Rules (Cap. 342 sub. leg.)	Rule 21(2).
15.	Public Officers (Assignment of Emoluments) Ordinance (Cap. 363)	Sections 2(1)(the definition of “authorized officer”) and 4(1) and (3).
16.	Declaration of Authorized Officers (Cap. 363 sub. leg.)	The paragraph.
17.	Pension Benefits (Judicial Officers) Ordinance (Cap. 401)	Sections 20(4A), (4B) and (7)(aa), 20A(1) and (4) and 21(10A) and (10B).
18.	Pension Benefits (Judicial Officers) Regulations (Cap. 401 sub. leg.)	Section 22(1A) and (5).
19.	Pensions (Special Provisions)(The Hong Kong Institute of Education) Ordinance (Cap. 477)	Sections 3(1)(c) and 7(4).