

立法會

Legislative Council

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

**Minutes of the fourteenth meeting
held on Tuesday, 4 June 2002 at 8:30 am
in the Chamber of the Legislative Council Building**

Members Present : Hon IP Kwok-him, JP (Chairman)
Dr Hon YEUNG Sum (Deputy Chairman)
Hon Kenneth TING Woo-shou, JP
Dr Hon David CHU Yu-lin, JP
Hon James TIEN Pei-chun, GBS, JP
Hon Cyd HO Sau-lan
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Cheuk-yan
Hon NG Leung-sing, JP
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching, JP
Hon CHAN Kam-lam
Hon Andrew WONG Wang-fat, JP
Hon Jasper TSANG Yok-sing, JP
Hon Howard YOUNG, JP
Hon YEUNG Yiu-chung, BBS
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon SZETO Wah
Hon TAM Yiu-chung, GBS, JP
Hon LEUNG Fu-wah, MH, JP
Dr Hon LO Wing-lok
Hon MA Fung-kwok
Hon Abraham SHEK Lai-him, JP
Hon Audrey EU Yuet-mee, SC, JP

Member Attending : Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP

Members Absent : Hon Albert HO Chun-yan
Hon Eric LI Ka-cheung, JP
Hon Margaret NG
Dr Hon Philip WONG Yu-hong
Dr Hon TANG Siu-tong, JP
Hon Timothy FOK Tsun-ting, SBS, JP
Hon LI Fung-ying, JP
Hon Michael MAK Kwok-fung

Public Officers Attending : Mr Michael M Y SUEN
Secretary for Constitutional Affairs

Mr Clement C H MAK
Deputy Secretary for Constitutional Affairs

Mr Joseph WONG Wing-ping
Secretary for the Civil Service

Ms Anissa WONG
Deputy Secretary for the Civil Service

Mr I G M WINGFIELD
Law Officer (Civil Law)

Mr R C ALLCOCK
Solicitor General

Mr P H H WONG
Senior Assistant Solicitor General

Mr Robin IP
Deputy Secretary for Constitutional Affairs

Mrs Philomena LEUNG
Principal Assistant Secretary for Constitutional Affairs

Mr Allen LAI
Senior Government Counsel

Mr W L CHEUNG
Senior Government Counsel

Ms Vicki LEE
Senior Government Counsel

Clerk in Attendance : Mrs Percy MA
Chief Assistant Secretary (2)3

Staff in Attendance : Mr Jimmy MA, JP
Legal Adviser

Ms Pauline NG
Assistant Secretary General 1

Mrs Justina LAM
Assistant Secretary General 2

Miss Monna LAI
Assistant Legal Adviser 7

Mrs Constance LI
Chief Assistant Secretary (2)5

Miss Betty MA
Senior Assistant Secretary (2)1

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I. Matters arising

Financial and staffing implications

Secretary for the Civil Service (SCS) said that in response to members' concerns raised in connection with the paper submitted to the Establishment Subcommittee (ESC), the Administration had prepared a Supplementary Note on "Permanent Secretary Posts under the Accountability System for Principal Officials" (circulated to members vide LC Paper No. CB(2)2185/01-02(01) after the meeting). SCS said that the Administration held the view that there was a need to retain the existing 16 D8 civil service posts in policy bureaux. He pointed out that 11 of the existing D8 civil service posts would continue to take on substantially the same functions and duties after the implementation of accountability system and no redeployment of posts was involved. For the remaining five posts, the Administration proposed to create under delegated authority five supernumerary posts to be held against five permanent D8

vacancies for one year to accommodate five Permanent Secretaries with schedule of responsibilities substantially different from the current ones.

2. SCS further said that the legal advice obtained by the Administration had confirmed that it was legally in order to effect the temporary deployment of the five D8 posts concerned by using the delegated authority. He explained that under the delegated authority from the Finance Committee (FC), Financial Secretary (FS) could create supernumerary directorate posts provided that the post was created for a period not exceeding 12 months on each occasion and was held against a vacant permanent post in a rank with the same or a higher notional annual mid-point salary value.

3. SCS added that in the longer term, it would be a matter 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 had assumed office. The outcome of the review would be reported to the relevant committees of the Legislative Council (LegCo), and any proposed changes to these D8 posts would be submitted to ESC or FC for approval where appropriate.

Ranking of Permanent Secretary posts

4. Mr Howard YOUNG said that Members belonging to the Liberal Party supported the accountability system in general. However, they were concerned that the retention of all the 16 existing D8 posts in bureaux would give the public the impression that the accountability system was only to create an additional tier of senior officials. Ms Emily LAU said that the public would also be under the impression that the Administration had no intention to streamline the structure of the civil service, particularly the directorate level. Mr CHEUNG Man-kwong said that under the proposed arrangement, the number of senior official posts would increase by over 60%.

5. Mr Howard YOUNG also expressed doubt about the need for pitching the Permanent Secretary posts at D8 level. As the Permanent Secretaries would have lesser responsibilities in policy formulation under the accountability system, the ranking of Permanent Secretary posts should be lowered. He, however, was prepared to accept the current ranking of D8 as an interim arrangement in order to facilitate the new principal officials to take up the posts, if the Administration undertook to include the ranking of Permanent Secretary posts in the review to be conducted by the new principal officials.

6. Mr CHEUNG Man-kwong said that the Administration should take the opportunity to examine the appropriate ranking of the Permanent Secretary posts as some of their duties would be taken up by principal officials. He saw no reasons why some Permanent Secretary posts could not be pitched at D4 or D6 level and upgraded at a later stage, subject to justifications.

7. SCS pointed out that the proposed arrangement would ensure that the principal officials would be given the maximum support in the bureaux when they assumed office. SCS stressed that the review to be conducted by respective principal officials would cover the number and ranking of Permanent Secretary posts. The Civil Service Bureau would also provide every assistance to principal officials to carry out the review in view of the complexity involved.

8. Secretary for Constitutional Affairs (SCA) said that it was appropriate to retain the posts at D8 level for the time being, in order to provide sufficient support to the principal officials, particularly for those who were from outside the civil service. SCA further said that the additional staff costs of \$42 million would be offset by staff savings, at the directorate level, in the next financial year.

9. Mr CHEUNG Man-kwong stressed that the crux of the matter was not whether the additional cost of \$42 million would eventually be offset, but whether the need for the expenses was justifiable. Mr CHEUNG said that should the Administration disagree to reconsider the ranking of the Permanent Secretary posts, he might consider voting against the relevant funding proposal. Dr YEUNG Sum and Ms Emily LAU echoed Mr CHEUNG's view and said that the Administration should be prudent in incurring public expenditure when there was a huge budget deficit. It was not fair to ask taxpayers to bear the costs for the implementation of the accountability system given the current economic climate.

10. Mr Andrew WONG held a different view. Mr WONG considered 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. Moreover, there should be an officer at D10 rank to head the civil service. Mr WONG said that if members wished to cut cost, the remuneration for principal officials should be reduced. He further said that if members considered the workload for a particular principal official was light, the need for the post should be reviewed and not the rank of the Permanent Secretaries. He also pointed out that in some countries, the pay of politically appointed Ministers was lower than that of senior civil servants.

11. The Administration reiterated that the arrangement to retain the Permanent Secretary posts at D8 level for the time being was appropriate and prudent, so as to provide sufficient support to principal officials. It would 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.

12. Mr James TIEN sought clarification whether those officers acting in the D8 Permanent Secretary posts would be promoted within the next 12 months, bearing in mind that a review would be carried out on the ranking of these posts. Ms Emily LAU expressed a similar concern. SCS replied that the officers concerned would normally have to act for at least 12 months before they were considered for promotion. He assured members that if these posts were filled by acting appointment, it would be purely for administrative convenience and would not affect the review of the ranking. In response to Mr James TIEN's further question, SCS said that under the delegated authority, the duration of these supernumerary posts would not be extended beyond 12 months without the endorsement of ESC and the approval of FC.

13. Mr CHEUNG Man-kwong remained of the view that the ranking of the posts should be examined in the light of value for money. He was concerned that there would be difficulties in downgrading the posts, if considered necessary, after the review.

Distribution of duties among the Permanent Secretaries

14. Mr LEE Cheuk-yan, Mr CHEUNG Man-kwong and Ms Emily LAU were of the view that the distribution of duties among the 16 Permanent Secretaries was extremely uneven. For example, the Permanent Secretary responsible for matters relating to health, welfare and food safety would have a very heavy schedule, while the respective schedules of the Permanent Secretaries responsible for constitutional affairs and civil service matters would be much lighter. They requested the Administration to reconsider the ranking of the Permanent Secretary posts and the distribution of work among them. Mr LEE Cheuk-yan also asked whether the uneven distribution of duties reflected that some policy areas would be accorded lower priority in the future allocation of resources.

15. SCA responded that there was no change in the number of staff in the different bureaux and departments under the accountability system. There would only be a net increase of 11 posts for principal officials. SCA said that it would be for the principal officials to determine the relative priorities of the different areas of work within their purview and the allocation of resources having regard to the specific needs in each area of work. As regards the schedule of the Permanent Secretary responsible for matters relating to health, welfare and food safety, these matters involved more of the work of the executive departments than that of the policy bureau.

16. Ms Emily LAU said that in response to members' request for information on the distribution of the 16 Permanent Secretary posts in the 11 bureaux, the Administration had provided members with two different sets of figures within a couple of hours. This had clearly reflected that the details of the accountability system had not been well thought-out by the Administration.

17. Mr James TIEN noted that one Permanent Secretary would take up matters relating to education and manpower, and that matters relating to labour issues would be taken up by another Permanent Secretary. Mr TIEN enquired about the division of responsibilities between the two Permanent Secretaries responsible for manpower and labour issues. Ms Emily LAU asked whether the existing Secretary for Education and Manpower (SEM) was involved in the decision making process on the revised policy portfolio.

18. SCA responded that as SEM would attend the special meeting of the Panel on Manpower in the afternoon, it would be better for her to respond to members' questions direct. SCS added that as the community was attaching much importance to labour issues, the responsible principal official would prefer to have a dedicated and experienced Permanent Secretary to assist him in this specific area. As regards manpower training and development, they were more related to the overall education policy.

19. Mr CHAN Kam-lam said that while he expressed support for the accountability system, he considered that the proposed distribution of duties among the 16 Permanent Secretary posts was not very satisfactory. For instance, if the future SCS was to come from the civil service, there was no need for a Permanent Secretary to underpin him. Nevertheless, he accepted that the proposed arrangements be tried out and that a critical review be carried out after a period of time.

20. SCA added that there was a practical need for having a Permanent Secretary in each bureau so that he could perform the role of Controlling Officer. He assured members that the proposed deployment of the Permanent Secretary posts was only an interim arrangement, and a review would be carried out in 12 months based on practical experience.

Arrangements for retaining the 16 D8 posts in bureaux

21. Ms Emily LAU asked whether the Administration's proposal to create supernumerary posts to retain the 16 D8 posts in bureaux was in order i.e. bypassing ESC and FC.

22. Assistant Secretary General 1 (ASG1), Clerk to FC, advised that ESC examined and made recommendations to FC on the Government's proposals for the creation, redeployment and deletion of directorate posts, and for changes to the structures of civil service grades and ranks, and changes to the organizational structure of the Government. In 1983, the then FC delegated to FS 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. Through FS, these powers were further delegated to Controlling Officers. ASG1 pointed out that

the terms of reference of ESC in early 80s were not specific. It was therefore not explicit whether the delegation of authority in 1983 also covered the redeployment of directorate posts. A research study was thus conducted by the Secretariat. Findings revealed that ESC had endorsed proposals in relation to redeployment of posts prior to 1983. It was therefore considered that the authority delegated to FS covered the redeployment of duties through creation of supernumerary posts held against vacant permanent posts, provided that those posts would not exceed 12 months. ASG1 stressed that while the Administration might have the authority to create such supernumerary posts, whether the arrangements proposed in this particular case was most appropriate in the circumstances would have to be further examined. ASG1 added that members might wish to confirm with the Administration whether the supernumerary posts would be substantively filled.

23. SCS reiterated that the proposed arrangement was within the Government's delegated authority. As the principal officials would review and determine the structure and staffing of the respective bureaux and departments, it was appropriate to retain all 16 D8 posts in bureaux pending the outcome of the review. SCS confirmed that the five supernumerary posts would not be substantively filled.

24. The Legal Adviser expressed 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. The Legal Adviser said that the issue requiring consideration was whether the proposed exercise of delegated authority would be within the scope of the delegation. He would need to further examine whether it was 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.

25. The Legal Adviser pointed out that the Administration had proposed to establish the 16 Permanent Secretary posts by way of re-titling the 16 D8 posts from Director of Bureau to Permanent Secretary and the creation of five supernumerary posts under the delegated authority. Generally speaking, the Administration would effect a change of title of office by notice in the Gazette under section 55 of the Interpretation and General Clauses Ordinance (Cap. 1), rather than by way of a resolution under section 54A of Cap.1. Under the arrangement now proposed by the Administration, it would appear that the approval of FC was not required for re-titling of the posts concerned as it would not result in any change to the approved estimates of expenditure. The Legal Adviser said that an alternative that the Administration could adopt was to seek the approval of FC for the creation of 16 new Permanent Secretary posts offset by the deletion of the 16 existing Director of Bureau posts. He added that it was a matter for members to consider whether the Administration's proposed arrangement was appropriate.

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LA 26. At the request of Ms Emily LAU, the Legal Adviser agreed to provide a paper on legal issues relating to the provision of Permanent Secretary posts under the accountability system for members' reference.

27. Ms Emily LAU said that it would appear that the delegated authority to create supernumerary directorate posts would only be exercised in restrictive circumstances, e.g. to replace officers on no-pay leave. She doubted whether the Administration's proposal was within the scope of the delegated authority. Ms LAU further said that as the concept of Permanent Secretaries under the accountability system was new, she could not agree with the Administration's argument that re-titling of the existing D8 posts to Permanent Secretary posts was adequate as they would take on substantially the same functions and duties. She was of the view that Members were deprived of the opportunity to examine the proposal if no approval from FC was required.

28. Law Officer (Civil Law) (LO(CL)) said that the Administration held the view that the proposal was consistent with the delegated authority vested in FS. Regarding the Legal Adviser's reference to section 55 of Cap. 1, LO(CL) said that the primary focus of the provision was to declare a change in title of any public officer referred to in any Ordinance, and substitute the new title in any Ordinance relating to the public officer concerned. The purpose of the proposed resolution under section 54A of Cap.1 was to provide for the transfer of statutory functions from one public officer to another public officer. LO(CL) further said that it was made clear in the Administration's paper that Permanent Secretaries would continue to perform substantially the same duties but subject to the directions of the respective principal officials.

29. Ms Emily LAU remained of the view that the establishment of the 16 Permanent Secretary posts was more than a mere post re-titling exercise, as the principal officials and Permanent Secretaries under the accountability system would perform duties different from those of the existing D8 civil service posts.

30. Mr Andrew WONG said that there was no need to create five supernumerary posts under delegated authority. In his view, the 16 D8 posts were permanent posts in the civil service. The arrangement for Permanent Secretaries who were civil servants to take up these posts should be treated as a transfer of posting. As such, the Administration should only need to spell out clearly in the ESC paper the deployment of the 16 Permanent Secretary posts in various bureaux and their respective duties. Mr WONG further said that if there were insufficient D8 officers to fill the 16 Permanent Secretary posts, some of these posts could be filled by acting appointment.

31. Dr YEUNG Sum said that it was more appropriate to seek ESC's endorsement and FC's approval for the redeployment of duties of all 16 posts,

so that members could consider and approve each post having regard to its merits.

32. SCS reiterated that the Administration considered that it was 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 would be for 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 had assumed office.

33. Deputy Secretary for Civil Service added that the 16 D8 civil service posts were permanent posts and pitched at D8 level having regard to their level of responsibilities and complexity of work. According to the delegated authority by FC, the Administration might create supernumerary posts at directorate level by holding against vacant permanent posts in ranks with the same or a higher notional annual mid-point salary value. As 11 of the existing 16 D8 posts would continue to be responsible for the same portfolios under the implementation of the accountability system, these posts would only be subject to re-titling of the post titles and no separate approval was required. As regards the other five D8 posts, which would be subject to certain changes in their portfolios, temporary redevelopment of the directorate posts would be effected for 12 months using the delegated authority.

Code for Principal Officials

34. Ms Emily LAU referred to the Administration's response to issues raised at the meeting on 24 May 2002 and requested the Administration to make reference to the practice in the United Kingdom (UK) in considering the arrangement to allow a principal official to make a sponsored visit in his private capacity, albeit with the approval of the Chief Executive (CE). She said that there was no reference to a sponsored visit undertaken by Ministers in private capacity in the UK Ministerial Code.

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35. Ms Emily LAU queried why principal officials could, with the consent of CE, be a company director. She said that the Administration should make reference to the UK Ministerial Code in considering whether a principal official could be a director of a company.

36. SCA responded that it was the Administration's intention that during the term of office, a principal official could not be a director of any public or private company, irrespective of whether the directorship carried remuneration or not. The only exception was when the principal official was appointed to the relevant board of directors in his official capacity or where CE's prior written consent had been obtained (e.g. in connection with private family estates) or honorary posts in non-profit making organisations or charitable

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bodies. SCA said that to put beyond doubts, the Administration would spell out clearly the arrangement in the employment contract and in the Code for Principal Officials.

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

37. SCA said that the Resolution was to effect the necessary transfer of statutory functions arising from the reorganisation of certain bureaux. Some changes had been made to the draft Resolution which was provided to Members on 17 April 2002. SCA further said that the Administration had given notice on 1 June 2002 to move the revised Resolution at the Council meeting on 19 June 2002. SCA then explained that the following major changes were made to the previous draft Resolution -

- (a) changes arising from the adjustment to the distribution of portfolios of the policy bureaux;
- (b) provisions added to cover legislation enacted since the previous draft Resolution was presented to LegCo; and
- (c) technical amendments.

38. SCA pointed out that the revised Resolution provided 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 would take charge of the relevant policy responsibilities following the reorganisation of policy bureaux. To give full effect to the Resolution, incidental, consequential and supplemental provisions were also provided for in the Resolution. SCA further pointed out that a summary of the major statutory functions of each relevant bureau secretary under existing legislation and the textual amendments to the relevant ordinances were attached to the Administration's paper.

39. Mr Kenneth TING said that as the Resolution covered a large number of amendments to existing legislation, the Legal Service Division should provide a report on the Resolution to facilitate members' consideration. Ms Emily LAU echoed Mr TING's view and said that she was concerned whether the proposed transfer of statutory functions from a bureau secretary to a new director of bureau was in order, in particular, whether the statutory powers would remain vested in the same positions under the accountability system and whether the amendments could fully reflect the policy intention.

40. The Legal Adviser said that the Legal Service Division was 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 would 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 were matters for Members to consider.

41. The Legal Adviser drew 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 pointed out that under Cap. 1, the term "Financial Secretary" meant FS and S for Tsy. S for Tsy was 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 could exercise some of the statutory functions currently exercisable by FS.

42. Mr Allen LAI, Senior Government Counsel explained that paragraph 8(b) (ii), (iii), (iv), (v), (viii), (ix), (x) and (xi) of the revised Resolution sought to repeal references to "SFS" in the relevant ordinances. This would avoid overlapping of functions, since the reference to FS in those ordinances that included S for Tsy would be changed to include the new "S for FS & Tsy" in view of the proposed amendment made to the definition of FS under Cap. 1. The purpose of the Resolution was to effect transfer of statutory functions from a named bureau secretary to a named principal official without changing the legal effect of the statutory functions provided for under the relevant ordinances. He further said that to repeal the reference to S for Tsy (or S for FS & Tsy) in the definition of FS under Cap.1 could be a policy issue beyond the scope of the present resolution. 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.

43. LO(CL) added that the issue raised concerned the definition of FS in Cap. 1 and other ordinances, and did not involve the delegation of power by FS to S for Tsy. In his view, the term of FS meant both FS and S for Tsy which was clearly spelt out in the legislation.

44. The Legal Adviser said that the matter involved the policy consideration of whether it was appropriate for another principal official to be able to exercise the statutory functions of FS who was also a principal official under the accountability system and did not have a supervisory role over that other principal official.

45. Mr Andrew WONG agreed with the Legal Adviser that the matter involved policy consideration. In response to Mr Andrew WONG, LO(CL) said that the post of S for Tsy, when created, was meant to be the deputy to FS, hence FS's functions covered that of S for Tsy. However, with implementation of the accountability system, their working relationship would be changed.

Amendments to the Resolution

46. Ms Emily LAU asked whether amendments could be moved to the Resolution in respect of the merging of policy portfolios. The Legal Adviser advised that Members might move amendments to a proposed resolution in accordance with the Rules of Procedure.

47. Mr Andrew WONG was concerned whether the Administration would raise objection to amendments proposed by Members on the grounds that they were related to the operation of the government. SCA said that the Administration could only offer its views on any amendments after having seen the text.

48. Ms LAU said that in view of the importance of the Resolution, the Council should hold separate debates on the Resolution and its amendments. Mr Andrew WONG held a similar view and said that joint debates should be held for amendments which had similar effect.

49. The Legal Adviser explained that there would be separate voting on individual amendments and the original Resolution, or the Resolution as amended. It was the existing practice of the Council to hold joint debates on amendments to motions. However, the President might order separate debates on amendments to a motion. It would be 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.

50. Mr Howard YOUNG asked whether amendments could be proposed in respect of the transfer of statutory functions between certain bureaux which were 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 said that the proposed amendment was likely to fall outside the scope of the Resolution. However, the right to move a resolution under section 54A of Cap. 1 was not restricted to the Administration.

51. Members raised no further questions on the revised Resolution.

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

52. SCA said that section 62(1) of Cap. 1 provided, among other things, that where any Ordinance conferred a power or imposed 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 any other power or perform any other duty, the exercise of such power or the performance of such duty might be signified under the hand of any public officer specified in Schedule 6 to Cap. 1. As a result of changes

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to the post-titles of the bureau secretaries who were to take charge of the relevant reorganised bureaux following implementation of the accountability system, it was necessary to make a new order to amend the list of public officers specified in Schedule 6 to Cap. 1. SCA further said that CE in Council was empowered under section 62(3) of Cap. 1 to amend Schedule 6 by order published in the Gazette.

53. Responding to the Legal Adviser, SCA said that the draft Order would be published in the Gazette before 1 July 2002.

54. Members agreed that no further meetings would be held, as the main policy issues relating to the proposed accountability system had been discussed by the Subcommittee. Members also agreed that the Subcommittee should submit a further report to the House Committee on 7 June 2002. The Chairman said that as the Administration had given formal notice to move the Resolution at the Council meeting on 19 June 2002 and the Legal Adviser would present a report on the Resolution to the House Committee on 7 June 2002, it would be for the House Committee to decide how the Resolution should be dealt with.

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55. The Chairman requested the Administration to provide response to outstanding issues raised by members before the relevant proposals were considered by ESC and FC.

56. SCA said that he would like to thank members for their efforts and time in coping with the tight timetable for studying matters relating to the accountability system.

57. The Chairman and Deputy Chairman also expressed their gratitude to staff members of the LegCo Secretariat for their support to the work of Subcommittee.

58. There being no other business, the meeting ended at 12:25 pm.

Council Business Division 2
Legislative Council Secretariat
2 September 2002