

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

**Issues raised at the meeting on 10 May 2002
requiring the Administration's response**

Lawful authority for changing the structure of Government

- (1) Which body has the lawful authority to change the structure of the Government and what is the legal source for that authority? In what manner should that authority be exercised?
- (2) Has the Executive Council's advice been sought on the proposed system before the Chief Executive addressed the Legislative Council on 17 April 2002? If yes, would that advice together with the Chief Executive's decision on the matter be formally promulgated in order to enable the Legislative Council to discharge its functions properly when considering the proposed change and any proposed legislative measures for effecting the proposed change?

Principal officials/Permanent Secretaries

- (3) Under the Public Finance Ordinance (Cap. 2), a controlling officer must be designated in respect of each head and subhead of estimates of expenditure laid before LegCo, and such controlling officer must account to the Financial Secretary for the performance of his duties. Would there be any changes to the practice that a bureau secretary is normally designated as the controlling officer? Would the requirements that the controlling officers have to comply with administrative regulations and directions issued by the Financial Secretary and that they have to account to the Financial Secretary be compatible with the proposed system?
- (4) To explain clearly the delineation of responsibilities and duties between principal officials and their Permanent Secretaries in attending meetings of the Legislative Council and its committees including the Public Accounts Committee, the special Finance Committee meetings, Panels and bills committees.
- (5) Whether principal officials under the proposed system have the power to dismiss or transfer civil servants including Permanent Secretaries? To provide information on the practice in some overseas jurisdictions, e.g. USA and UK.