

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

**Administration's response to
issues raised at the meeting on 3 May 2002**

This paper sets out the Administration's response to the list of issues raised at the meeting on 3 May 2002 as set out in LC Paper No. CB(2)1821/01-02(01).

Transfer of statutory functions

- (1) Issue raised: In view of the fact that the proposed accountability system for principal officials would result in fundamental changes to the nature of their office when compared with that of current principal officials who are bureau secretaries, would the proposed transfer of statutory functions of the current bureau secretaries to secretaries to be appointed under the proposed new system be beyond what was intended by section 54A of the Interpretation and General Clauses Ordinance (Cap. 1) when the provision was enacted? Would it be more appropriate and desirable to effect the proposed transfer of statutory functions by way of primary legislation so that the proposal could be scrutinised with the benefits of a full legislative process?

Administration's response: Please refer to LC Paper No. CB(2)1822/01-02(01).

Constitutional conventions

- (2) Issue raised: To provide justifications for the Administration's assertion that constitutional conventions could only be established over a period of time through accumulation of precedents.

Administration's response: We feel that there is no need to engage in an academic discussion on this. The Administration's position is that provided that the relevant arrangement does not contravene the Basic Law and the executive-led principle, we would not rule out the possibility of establishing constitutional conventions in future.