

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

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

**Introduction**

This paper seeks to explain the provisions of the Interpretation and General Clauses Ordinance (Replacement of Schedule 6) Order 2002.

**Background**

2. Section 62(1) of the Interpretation and General Clauses Ordinance (Cap. 1) provides, among other things, that where any Ordinance confers a power or imposes a duty upon the Chief Executive to make any subsidiary legislation or appointment, give any direction, issue any order, authorize 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 may be signified under the hand of any public officer specified in Schedule 6 to the Interpretation and General Clauses Ordinance. A copy of the existing Schedule 6 is attached at Annex A. The Chief Executive in Council is empowered under section 62(3) of the Interpretation and General Clauses Ordinance to amend Schedule 6 by order published in the Gazette.

3. The implementation of the accountability system will be accompanied by the re-organization of a number of policy bureaux. In order to reflect the portfolios of the bureau secretaries, there will be changes to the post titles of the bureau secretaries who are to take charge of the relevant re-organized bureaux. As a result of these changes, we need to make a new order to amend the list of public officers specified in Schedule 6 to the Interpretation and General Clauses Ordinance.

## **The Draft Order**

4. The draft Order at Annex B sets out the list of public officers who may signify the exercise of certain powers or the performance of certain duties conferred or imposed on the Chief Executive. The list of public officers specified in the new Schedule 6 is largely the same as that specified in the existing Schedule with a number of existing bureau secretaries being replaced by the bureau secretaries who are to take charge of the relevant re-organized bureaux.

7. To tie in with the implementation of the accountability system, **clause 1** of the Order provides that the Order shall come into force on 1 July 2002. **Clause 2** of the Order provides that the existing Schedule 6 to the Interpretation and General Clauses Ordinance be repealed and replaced by a new Schedule.

## **Legislative Timetable**

8. Subject to Members' approval of the Resolution made under section 54A of the Interpretation and General Clauses Ordinance, the Administration will submit the draft Order to the Executive Council for approval in late June. The draft Order will then be published in the Gazette and tabled at the Legislative Council for negative vetting.

## **Advice Sought**

9. Members are invited to study the draft Order at Annex B.

## CAP. 1 *Interpretation and General Clauses*

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### SCHEDULE 6

[s. 62]

#### PUBLIC OFFICERS

Chief Secretary for Administration  
 Financial Secretary  
 Secretary for Justice  
 Secretary for the Civil Service  
 Secretary for Constitutional Affairs  
 Secretary for Economic Services  
 Secretary for Education and Manpower  
 Secretary for Health and Welfare  
 Secretary for Home Affairs  
 Secretary for Financial Services  
 Secretary for Planning and Lands  
 Secretary for Information Technology and Broadcasting  
 Secretary for Security  
 Secretary for Commerce and Industry  
 Secretary for Transport  
 Secretary for the Treasury  
 Director of Administration  
 Secretary for Works  
 Director of Home Affairs  
 Deputy Secretary  
 Deputy Director of Administration  
 Principal Assistant Secretary  
 Assistant Director of Administration

*(Replaced L.N. 145 of 1974. Amended L.N. 238 of 1976; L.N. 63 of 1978; L.N. 21 of 1979; L.N. 282 of 1981; L.N. 379 of 1981; L.N. 24 of 1982; L.N. 73 of 1982; L.N. 50 of 1984; L.N. 151 of 1984; L.N. 76 of 1985; L.N. 320 of 1985; L.N. 55 of 1989; L.N. 94 of 1989; L.N. 262 of 1989; L.N. 291 of 1989; L.N. 99 of 1990; L.N. 167 of 1990; L.N. 273 of 1990; L.N. 336 of 1990; L.N. 323 of 1992; L.N. 354 of 1992; L.N. 96 of 1993; L.N. 621 of 1994; L.N. 372 of 1996; L.N. 362 of 1997; L.N. 192 of 1998; L.N. 330 of 1999; L.N. 173 of 2000)*

**INTERPRETATION AND GENERAL CLAUSES ORDINANCE  
(REPLACEMENT OF SCHEDULE 6) ORDER 2002**

(Made by the Chief Executive in Council under section 62(3) of the Interpretation and General Clauses Ordinance (Cap. 1))

**1. Commencement**

This Order shall come into operation on 1 July 2002.

**2. Schedule 6 substituted**

Schedule 6 to the Interpretation and General Clauses Ordinance (Cap. 1) is repealed and the following substituted –

“SCHEDULE 6

[s. 62]

**PUBLIC OFFICERS**

Chief Secretary for Administration

Financial Secretary

Secretary for Justice

Secretary for the Civil Service

Secretary for Commerce, Industry and Manpower

Secretary for Constitutional Affairs

Secretary for Economic Development

Secretary for Education

Secretary for the Environment, Health and Welfare

Secretary for Financial Services and the Treasury

Secretary for Home Affairs

Secretary for Housing, Planning and Lands

Secretary for Security

Secretary for Transport and Works

Permanent Secretary

Director of Administration

Director of Home Affairs  
Deputy Secretary  
Deputy Director of Administration  
Principal Assistant Secretary  
Assistant Director of Administration”.

Clerk to the Executive Council

COUNCIL CHAMBER

2002

**Explanatory Note**

This Order repeals and replaces Schedule 6 to the Interpretation and General Clauses Ordinance (Cap. 1) for the purpose of including newly appointed public officers in the list of public officers empowered to signify the exercise of statutory powers and the performance of statutory duties by the Chief Executive.