

BY FAX (2840 1976) & BY POST

LS/R/11/01-02
2869 9207
2877 5029

8 June 2002

Secretary for Constitutional Affairs
(Attn. : Miss Katy FONG)
Constitutional Affairs Bureau
3/F, Main and East Wings
Central Government Offices
HONG KONG

Dear Miss FONG,

**Draft Resolution on the Proposed Accountability
System for Principal Officials**

I refer to your reply to our queries dated 27 May 2002. At the meeting of the House Committee on 7 June 2002, Members asked for further information in respect of the following items :-

(C) Powers and duties delegated by the Chief Executive to existing secretaries

It would be helpful for Members in their consideration of the resolution if information on the powers and duties delegated, and the arrangements for fresh delegation, could be provided.

(E) Non-statutory instruments such as codes of practice and technical memoranda

It would be helpful if Members could have information on the volume of these instruments and details as to when and how they would adapted.

/ P. 2

(P) Paragraph 14

It would be helpful if the Administration could explain the intended scope and limit of the provisions which could be made under section 54A(2). You may note that the transitional and savings provisions in L.N.370 of 1981 and L.N.76 of 1982 are more limited in scope than paragraph 14.

Apart from the points which we have raised, Members of the House Committee also considered possible role conflicts as a result of the redistribution of portfolios to the new principal officials. One example is the appointment of the Secretary for Transport as a member of the Kowloon-Canton Railway Corporation. If the new Secretary for the Environment, Transport and Works is appointed in place of the Secretary for Transport, there could be a conflict of roles where environmental issues are concerned. Members would like to have your comments on this issue, and it would be helpful if you could also comment whether similar situations would arise in other portfolios.

Yours sincerely,

(LEE Yu-sung)
Senior Assistant Legal Adviser