

Our Ref.: F19/5(2002)

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11 June 2002

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Legislative Council Building
8 Jackson Road
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Dear Mr. Lee,

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

Thank you for your letter of 8 June 2002. The Administration's responses to the questions raised in your letter are set out in the following paragraphs.

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

Q: 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.

A: As advised in our letter of 27 May 2002, the Chief Executive (CE) has delegated certain statutory powers conferred on him, or duties imposed upon him, to the existing bureau secretaries pursuant to section 63 of the Interpretation and General Clauses Ordinance (Cap. 1). The powers and duties so delegated include, for example, power to appoint staff to, or members of, certain advisory committees or appeal boards; power to determine the rate of remuneration for members of advisory boards and committees; power to receive information from certain bodies and organizations; and power to approve the tabling of annual

report and financial statements submitted by certain bodies at the Legislative Council. Such delegation can be effected administratively. The Administration will take necessary administrative measures to ensure that these delegations will continue to have effect after 1 July 2002.

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

Q: 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.

A: As explained in point (E) of our last letter, instruments or documents which do not have legal effect, may be amended without express authority. Upon the enactment of the Resolution, the relevant bureaux and departments will conduct a review on the relevant instruments or documents issued and introduce amendments, as necessary.

(P) Paragraph 14

Q: 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.

A: Although the transitional and Savings provisions in the 1981 and 1982 resolutions were more limited in scope than the present paragraph 14, this is a more substantial exercise and more detailed provisions are therefore justified.

Yours sincerely,

(Clement C H Mak)
for Secretary for Constitutional Affairs

c.c. LegCo Secretariat (Attn: Mrs Percy Ma)