

# 立法會 *Legislative Council*

LC Paper No. CB(2)654/02-03(03)

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## **Panel on Constitutional Affairs**

**Background brief prepared by Legislative Council Secretariat**

**Arrangements during principal officials' temporary absence  
and  
attendance of principal officials at meetings of the Legislative Council**

### **PURPOSE**

This paper highlights the past discussions of Members of the Legislative Council (LegCo) on the following issues -

- (a) Arrangements during principal officials (POs)' temporary absence; and
- (b) Attendance of POs at meetings of committees, subcommittees and Panels of LegCo.

### **ARRANGEMENTS DURING POs' TEMPORARY ABSENCE**

#### **The Administration's position**

Constitutional Affairs Bureau (CAB) Papers dated 17 April and 27 May 2002

2. CAB presented the "LegCo Paper on Accountability System for Principal Officials" to the Council on 17 April 2002. Paragraph 13 of the paper sets out the specific role and responsibility of POs under the accountability system. In respect of attendance at meetings of LegCo, POs are required to attend -

- (a) full sessions of LegCo to initiate bills or motions, respond to motions and answer questions from LegCo Members; and
- (b) LegCo committee, subcommittee and Panel meetings where major policy issues are involved.

In the course of deliberation of the Subcommittee to Study the Proposed Accountability System for Principal Officials and Related Issues (the Subcommittee), members sought clarification from CAB on the arrangements during the temporary absence of a PO from Hong Kong.

3. In a paper dated 27 May 2002, CAB advised that POs were not expected to take leave for any length of time other than when LegCo was in recess. Even if POs were physically away from Hong Kong, they would still be able to make urgent decisions by means of fax or internet communication. However, the following special arrangements might have to be put in place during the absence of the relevant PO away from Hong Kong -

Exercise of statutory functions which had not been delegated

- (a) Depending on the nature of the statutory function in question, another PO or a senior civil servant working in the policy bureau of the relevant PO might be directed to exercise statutory functions;
- (b) In the case of the Secretary for Justice, the relevant Law Officers would be directed as necessary to exercise statutory functions;
- (c) In the case of the Secretary for the Civil Service, cases involving promotion, discipline and extension of service etc would be referred to the Chief Executive or the Permanent Secretary for Civil Service as appropriate;

Attendance at meetings of LegCo

- (d) During the temporary absence of a Director of Bureau, the Chief Secretary for Administration, the Financial Secretary or another Director of Bureau as appropriate might speak on behalf of the Government on business relating to the absent PO;
- (e) During the temporary absence of the Chief Secretary for Administration, the Financial Secretary or one of the Directors of Bureau might speak on behalf of the Government; and
- (f) During the temporary absence of the Financial Secretary, the Chief Secretary for Administration or one of the Directors of Bureau might speak on behalf of the Government.

A copy of the CAB Paper dated 27 May 2002 (LC Paper No. CB(2)2075/01-02(01)) provided to the Subcommittee is in **Appendix I**.

4. A member of the Subcommittee requested that Members should be informed of the stand-in arrangements for POs with justifications as early as possible, and that the leave relief arrangements for POs should be stipulated in the "Code for Principal Officials".

#### The Code for Principal Officials under the Accountability System

5. The "Code for Principal Officials" (the Code) sets out the basic principles which POs should follow in the performance of their duties. The Code was published in the Government Gazette on 28 June 2002. A copy of the Code was issued to all Members vide LC Paper No. CB(2)2462/01-02.

6. The following clauses in the Code are relevant -

- (a) Clauses 2.4 and 2.5 of the Code detail the arrangements during the temporary absence of POs -
  - (i) During the temporary absence of a PO, another PO may be directed to exercise the powers or perform the duties of the absent PO, including the duty to attend meetings of LegCo, its committees, subcommittees and Panels and to speak on behalf of the Government;
  - (ii) During the temporary absence of the Secretary for Justice, relevant Law Officers will exercise the powers and perform the duties of Secretary for Justice, including the duty to attend meetings of LegCo, its committees, subcommittees and Panels and to speak on behalf of the Government; and
  - (iii) During the temporary absence of the Secretary for the Civil Service, the Permanent Secretary in the Civil Service will exercise the powers and perform the duties of the Secretary for the Civil Service, including the duty to attend meetings of LegCo, its committees, subcommittees and Panels and to speak on behalf of the Government.
- (b) Clause 2.10 of the Code provides that POs shall endeavour to ensure that they would be available to attend meetings of LegCo when matters relating to their respective portfolios are discussed.

#### Director of Administration's letter dated 28 October 2002

7. Arising from the discussions of the House Committee concerning the incident where the POs concerned did not attend the meeting of the Public Works Subcommittee on 16 October 2002 (paragraphs 37-40 below refer), the Chief Secretary for Administration advised the Chairman of the House Committee that

the Administration had discussed and decided on the arrangements for attendance at full Council meetings of LegCo during the temporary absence of POs. The arrangements are detailed in a letter dated 28 October 2002 from the Director of Administration to the Chairman which was circulated to Members vide LC Paper No. CB(2)211/02-03 on 29 October 2002. A copy of the letter is in **Appendix II** for members' easy reference.

#### Comparison of the three documents

8. A comparison has been made on the arrangements set out in the following three documents (**Appendix III**) -

- (a) CAB Paper dated 27 May 2002 (paragraph 3 above refers);
- (b) the Code for POs (paragraph 6 above refers); and
- (c) the Director of Administration's letter dated 28 October 2002 (paragraph 7 above refers).

9. Members are invited to note that the Director of Administration's letter (paragraph 7 above refers) has elaborated on the following arrangements which are not specifically set out in the other two documents -

- (a) when a PO is absent, another PO will only speak on behalf of the Government on established policy relating to the absent PO "under his/her own title"; and
- (b) during the absence of the Chief Secretary for Administration or the Financial Secretary, the PO who stands in as Acting Chief Secretary for Administration or Acting Financial Secretary will attend the Council meeting and speak on behalf of the Government.

#### **Previous discussions**

10. The views expressed by Members on the arrangements during the temporary absence of POs are summarised in paragraphs 11-17 below.

#### Views of members of the Subcommittee

11. A member of the Subcommittee considered that "deputies" should be provided for POs under the accountability system, even if it meant incurring additional expenditure. The Administration advised that it had no intention to do so as it believed that the arrangements for the temporary absence of POs would only be required under rare occasions, for instance, to attend Council meetings to answer questions from Members.

12. Some members of the Subcommittee considered that it would be more appropriate for the relevant Permanent Secretary, and not another PO, to stand in during the absence of the PO concerned, as the Permanent Secretary would be more conversant with the work of the bureau and was therefore in a better position to respond to questions from Members. The Administration's position was that it was inappropriate to require a civil servant, who was politically neutral, to assume the duties of a politically appointed PO.

Views of members of the Panel on Constitutional Affairs

13. At the meeting of the Panel on Constitutional Affairs on 9 July 2002, members discussed, inter alia, the arrangements during the temporary absence of POs as set out in the Code. A member pointed out that it was unsatisfactory for a PO to stand in during the temporary absence of another PO at Council meetings, as different POs were responsible for different portfolios.

Views of members of the Panel on Education on the stand-in arrangement during temporary absence of Secretary for Education and Manpower

14. The Panel on Education originally scheduled the following two agenda items for discussion with Professor Arthur LI Kwok-cheung, the Secretary for Education and Manpower, at its regular meeting on 28 October 2002 -

- (a) Briefing by the Secretary for Education and Manpower on his work; and
- (b) Proposed merger of the Chinese University of Hong Kong and the Hong Kong University of Science and Technology.

15. However, the Education and Manpower Bureau informed the Clerk to the Panel on Education in writing on 25 October 2002 that the Secretary for Education and Manpower would be unable to attend the meeting on 28 October 2002 as he would be away from Hong Kong for some urgent reasons. As a result, the two agenda items scheduled for discussion with the Secretary for Education and Manpower had to be deferred to the Panel meeting on 18 November 2002.

16. At the Panel meeting on 28 October 2002, some members expressed concern about the leave relief arrangements for POs as the two agenda items had to be deferred because the Secretary for Education and Manpower had to take leave and could not attend the meeting. The Panel agreed to refer the matter to the Panel on Constitutional Affairs for follow-up.

17. At the meeting of the Panel on Constitutional Affairs on 18 November 2002, members agreed to discuss the issue of arrangements during POs' temporary absence.

**Some previous cases of a PO standing in for an absent PO to attend meetings of the Council or its committees after 1 July 2002**

18. Paragraphs 19 to 27 detail some of the actual cases since 1 July 2002 where stand-in arrangements have to be made for an "absent" PO.

Meetings of the Council

*Council meeting on 3 July 2002*

19. Mr Michael SUEN, Secretary for Housing, Planning and Lands, attended the Council meeting on 3 July 2002, also as Acting Secretary for Home Affairs, pending the taking up of duties of Dr Patrick HO Chi-ping, to

- (a) reply to an oral question on "Compensation for District Council members injured in the discharge of duties";
- (b) reply to a written question on "Appointment of District Council members to advisory and statutory bodies"; and
- (c) speak at the debate on a Member's motion on "Report on Sport Policy Review Team".

20. Mr Stephen LAM Sui-lung, Secretary for the Constitutional Affairs, attended the Council meeting on 3 July 2002, also as Acting Secretary for the Environment, Transport and Works, pending the taking up of duties of Dr Sarah LIAO Sau-tung, to reply to three written questions on the following subjects respectively -

- (a) "Installation of traffic signs on expressways and trunk roads";
- (b) "Shark's fin trade pushing for some shark species into extinction"; and
- (c) "Appearance of street name plates".

*Council meeting on 10 July 2002*

21. Mr Michael SUEN, Secretary for Housing, Planning and Lands, attended the Council meeting on 10 July 2002, also as Acting Chief Secretary for Administration vice Mr Donald TSANG on overseas duty visit and leave, and Acting Secretary for Home Affairs, pending the taking up of duties of Dr Patrick HO Chi-ping. He replied to the following questions as Acting Secretary for Home Affairs -

- (a) two oral questions on "Fire safety of internet cafes" and "Gambling

activities between people in Hong Kong and offshore gambling companies"; and

- (b) a written question on "Reappointment of member of Culture and Heritage Commission with low meeting attendance rate".

22. At the same Council meeting, Mr Michael SUEN also replied to a written question as Acting Chief Secretary for Administration on "Contents of employment contracts signed with principal officials under the accountability system".

23. Mr Joseph WONG Wing-ping, Secretary for the Civil Service, attended the Council meeting on 10 July 2002, also as Acting Secretary for Education and Manpower, pending the taking up of duties by Professor Arthur LI Kwok-cheung to reply to two written questions on the following subjects respectively -

- (a) "Female/male ratio of kindergarten teachers"; and
- (b) "Bankruptcy among teachers".

*Council meeting on 6 November 2002*

24. As announced in the Government Gazette on 8 November 2002, Mr Joseph WONG Wing-ping, Secretary for the Civil Service, was Acting Secretary for Education and Manpower from 26 October to 10 November 2002, vice Professor Arthur LI Kwok-cheung on leave (paragraph 15 above refers). However, at the Council meeting on 6 November 2002, Mr WONG replied to a written question on "Training costs for and employment situation of graduates in medical and nursing courses" (under Professor LI's education portfolio) in his capacity as Secretary for the Civil Service, and not as Acting Secretary for Education and Manpower.

25. Furthermore, Mr Joseph WONG did not attend the meeting of the Panel on Education scheduled for 28 October 2002 on Professor LI's behalf (paragraph 15 above refers).

*Council meeting on 13 November 2002*

26. Mr Stephen IP Shu-kwan, Secretary for Economic Development and Labour, in the absence of Mr Henry TANG Ying-yen, Secretary for Commerce, Industry and Technology, had replied to the following three written questions (under Mr TANG's portfolio) raised at the Council meeting on 13 November 2002 -

- (a) "Broadcasting Television Programmes of CCTV in Hong Kong";
- (b) "Human resources of Applied Science and Technology Research Institute"; and

- (c) "Research work of Applied Science and Technology Research Institute".

No arrangement was made for Mr IP to act as Secretary for Commerce, Industry and Technology on this occasion.

Meetings of Panels and other committees of LegCo

27. Mr Stephen LAM Sui-lung, Secretary for Constitutional Affairs, attended the meetings of the "Subcommittee on matters relating to the implementation of railway development projects", under the Panel on Transport, on 9, 16, 22 and 24 July 2002 as Acting Secretary for the Environment, Transport and Works, pending the taking up of duties of Dr Sarah LIAO Sau-tung. These meetings were held to discuss "Financing MTR Penny Bay Rail Link".

**Observations**

28. According to the Director of Administration's letter dated 28 October 2002 (paragraph 7 above refers), a stand-in PO will speak on behalf of the Government on established policy relating to the absent PO under his/her own title.

29. Members may wish to ask the Administration to address the following issues -

- (a) It is noted that the arrangements adopted have been inconsistent. At the Council meetings held in July 2002, the stand-in PO used the title of the absent PO. At the Council meeting on 6 November 2002, the stand-in PO used his own title, and not that of the absent PO when according to the relevant gazette notice announcing the acting appointment, the PO held both titles. At the Council meeting on 13 November 2002, the stand-in PO used his own title, and no arrangement was made for him to act as the absent PO; and
- (b) whether the stand-in PO would also use his/her own title when exercising statutory functions and attending meetings of committees, subcommittees and Panels of LegCo on behalf of the absent PO.

**ATTENDANCE OF POs AT MEETINGS OF COMMITTEES, SUBCOMMITTEES AND PANELS OF LEGCO**

**CAB Paper dated 17 April 2002**

30. CAB Paper dated 17 April 2002 provides that POs are required to attend LegCo committee, subcommittee and Panel meetings where major policy issues are involved.



## **The Code for POs**

31. Paragraph 2.9 of the Code provides that POs have a duty to represent the Government and to transact business at meetings of LegCo and, as necessary, its committees, subcommittees and Panels.

### **Previous discussions**

32. The views expressed by Members on the representation of POs at meetings of committees, subcommittees and Panels of LegCo are set out in paragraphs 33-40 below.

### Representation at meetings of special Finance Committee (FC) and Public Accounts Committee (PAC)

33. In the course of the deliberation of the Subcommittee, the Administration advised members that Permanent Secretaries or heads of departments, i.e. civil servants would be designated as Controlling Officers under the Public Finance Ordinance (Cap. 2). They were responsible and accountable for expenditure of the bureaux and departments falling within their purview, and would attend special meetings of FC to examine the draft Estimates of Expenditure and meetings of PAC. A member expressed reservations about the arrangement as public expenditure was directly related to the implementation of policies for which POs were accountable.

34. The Administration had responded that the Code for POs would specify that POs had a duty to give fair consideration and due weight to informed and impartial advice from the Controlling Officers. POs would attend PAC meetings if policy matters were discussed.

### Representation at Panel meetings

35. At the meeting of the Panel on Constitutional Affairs on 9 July 2002, members discussed, inter alia, the arrangements during the temporary absence of POs as set out in the Code. A member considered that in order to maintain the political neutrality of civil servants, Permanent Secretaries and other civil servants should not answer questions relating to policy issues at Panel meetings. POs should take personal responsibility for their policies and should therefore answer questions themselves.

36. Secretary for Constitutional Affairs responded that POs would decide flexibly whether they themselves or other officers designated by them should attend meetings of Panels and other committees in discussing matters relating to their respective portfolios. As Permanent Secretaries and other civil servants were required to assist POs in explaining Government policies to LegCo and the

public, it was appropriate for them to attend Panel and committee meetings of LegCo.

Representation at meetings of Public Works Subcommittee (PWSC)

37. Some members expressed concern that the responsible POs (i.e. the Secretary for the Environment, Transport and Works (SETW) and the Secretary for Housing, Planning and Lands (SHPL)) did not attend the PWSC meeting on 16 October 2002. These members pointed out that prior to the implementation of the accountability system for POs, the Policy Secretaries (D8 Officers) responsible for public works, environment, planning and lands, had been present at all meetings of PWSC, in addition to other responsible public officers. However, only the Permanent Secretaries or their deputies, and not the POs concerned, attended the PWSC meeting on 16 October 2002. The question of whether it was appropriate for the Permanent Secretaries or their deputies to respond to questions on general policy issues at PWSC meetings was thus raised.

38. The matter was discussed at the meetings of the House Committee on 18 and 25 October and 1 November 2002. The Chairman of the House Committee raised the matter with the Chief Secretary for Administration (CS). According to CS, representation at Panel or other committee meetings would depend on the subject being discussed. The guiding principle was that the Government would send the most appropriate representatives. It was for individual Panels or committees to decide which public officer(s) should be invited to attend its meetings. A Note dated November 2002 issued by the Administration's to PWSC on "Attendance of public officers at meetings of PWSC" in **Appendix IV** is relevant.

39. The Chairman of PWSC issued a questionnaire on 31 October 2002 to seek members' view on the level of public officers expected to be present at PWSC meetings. The majority of the members of PWSC preferred the option of having both SETW and SHPL to attend PWSC meetings as a standing arrangement. The PWSC Chairman took up the matter with SETW and SHPL. However, the POs concerned reiterated the Administration's position and added that irrespective of the level of Government's representation, the POs would accept total responsibility for matters under their policy portfolios.

40. The PWSC reported the matter to the Finance Committee (FC) on 6 December 2002. The decision of FC is summarised as follows -

- (a) the relevant Permanent Secretaries should attend PWSC meetings as a standing arrangement;
- (b) with the concurrence of the Chairman in response to a member's request, or where the Chairman considers it appropriate that SETW and SHPL should attend a PWSC meeting, the Clerk to PWSC

would notify the Administration accordingly and state in the agenda the office of the public officers invited for discussion of the agenda items; and

- (c) notwithstanding (b), SETW and SHPL should attend meetings of PWSC on their own accord for discussion of major or controversial project proposals.

### **Observations**

41. Members may wish to note that different expressions are used in the following three documents regarding attendance of POs at meetings of committees, subcommittees and Panels of LegCo -

- (a) "where major policy issues are involved" (CAB Paper dated 17 April 2002 refers);
- (b) "as necessary" (clause 2.9 of the Code for POs refers); and
- (c) "depend on the subject discussed" (Note to PWSC refers).

42. Members may wish to request the Administration to explain -

- (a) whether the different expressions used in the three documents have different meaning; and
- (b) the criteria used by POs to decide whether they would personally attend such meetings.

**Subcommittee to Study the Proposed  
Accountability System for Principal Officials and Related Issues  
Arrangements during Principal Officials' Temporary Absence**

**Introduction**

This paper sets out the Administration's views on the arrangements that may need to be put in place during Principal Officials' temporary absence.

**The need for arrangements during Principal Officials' temporary absence**

2. We expect that Principal Officials will not take leave for any length of time other than when LegCo is in recess. If they take leave for only a few days, we see no need for any special arrangements. This is particularly the case if they are physically in Hong Kong. But even if Principal Officials are physically away from Hong Kong, for example, when they undertake duty visits outside Hong Kong, they may nevertheless be able to make urgent decisions, for example, by means of fax or internet communication. So far as administrative responsibilities are concerned, these can be undertaken by the senior civil servants in the bureaux under delegated authority.

3. That said, we recognize that certain matters may unexpectedly come up during the absence of the relevant Principal Official away from Hong Kong and such matters have to be dealt with by a public officer who is physically in Hong Kong. In such cases, special arrangements may have to be put in place as the need arises. The special arrangements fall into the following categories :

- (a) exercise of statutory functions which have not been delegated; and
- (b) attendance at meetings of LegCo.

**Statutory powers and duties**

4. Where the statutory functions have not been delegated, the Chief Executive (CE) may, as necessary, by notice in the Gazette direct another public officer to exercise the relevant statutory powers or perform the statutory duties (pursuant to section 57 of Cap. 1). Depending on the nature of the statutory function in question, the public officers so directed may be another Principal Official or a senior civil servant working in the policy bureau of the relevant Principal Official. (See also paragraphs 5 and 6 below.)

5. In the case of Secretary for Justice, the relevant Law Officers will be so directed as necessary.

6. In the case of Secretary for the Civil Service, cases involving promotion, discipline and extension of service etc will be referred to CE or the Permanent Secretary for Civil Service as appropriate for the exercise of authority under the Public Service (Administration) Order 1997 and the relevant regulations made under the Order.

### **Attendance at meetings of the Legislative Council**

7. As regards attendance at LegCo meetings, we expect that the Principal Official would so order his business that no major issues relating to his portfolio will arise in LegCo during his absence. But if such issues unexpectedly arose, arrangements will be made for another Principal Official to attend meetings of LegCo and speak on behalf of the government (see also paragraphs 8 and 9 below). For example, during the temporary absence of a Director of Bureau, CS, FS or another Director of Bureau as appropriate may speak on behalf of the government on business relating to the absent Principal Official. During the temporary absence of CS, FS or one of the Directors of Bureau may speak on behalf of the government. During the temporary absence of FS, CS or one of the Directors of Bureau may speak on behalf of the government.

8. In the case of Secretary for Justice, given the special role and responsibility of that position, arrangements will be made for a designated Law Officer to attend LegCo meetings and speak on behalf of the government on business relating to Secretary for Justice. But in doing so, he will limit himself to established policy.

9. In the case of Secretary for the Civil Service, given the special role and responsibility of that position particularly in relation to the management of the Civil Service, the permanent secretary in the Civil Service Bureau will be designated to attend LegCo meetings and speak on behalf of the government on business relating to Secretary for the Civil Service. But in doing so, he will limit himself to established policy.

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28 October 2002

The Honorable Selina CHOW LIANG Shuk-ye, GBS, JP  
Chairman  
House Committee  
Legislative Council Secretariat  
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**Arrangements for Attendance at Full Council Meetings  
of the Legislative Council  
During the Temporary Absence of Principal Officials**

At the regular meeting this afternoon, the Chief Secretary for Administration (CS) has briefly explained to you, and to the Deputy Chairman of the House Committee, the arrangements for attendance at full Council Meetings of LegCo during the temporary absence of relevant Principal Officials (POs). Let me set out in writing the detailed arrangements as follows.

As the CS has reaffirmed at the meeting, POs under the Accountability System will attend full Council Meetings of LegCo to speak on behalf of the Government, to respond to Members' questions, initiate bills and motions, and carry out other related duties. POs will endeavour to organize their business so that no major issues relating to their respective portfolios will arise in LegCo during their absence. But if, due to unexpected circumstances or other reasons (for example, representing Hong Kong in international conferences or engaged in overseas duty visits), a PO is unable to attend a full Council Meeting, we will arrange for another PO to attend the meeting and speak on behalf of the Government.

More specifically, during the absence of the CS or the Financial Secretary (FS), the Director of Bureau who stands in as acting CS or Acting FS will attend the meeting and speak on behalf of the Government. In the case of the Secretary for Justice and the Secretary for the Civil Service, given their special roles and responsibilities, arrangements will be made for a designated Law Officer and the Permanent Secretary for the Civil Service to attend the full Council Meeting on their behalf respectively. During the absence of the other Directors of Bureaux, another Director of Bureau will speak on behalf of the Government on established policy relating to the absent Director of Bureau under his/her own title. The above-mentioned arrangements have been briefly set out in the paper (ref: CB(2)2075/01-02(01)) submitted by the Constitutional Affairs Bureau to the LegCo Subcommittee to Study the Proposed Accountability System for Principal Officials and Related Issues on 27 May 2002.

Where, in future, any PO is unable to attend a full Council Meeting to speak on behalf of the Government, the Administration Wing will inform the LegCo President beforehand of the relevant arrangements as soon as possible.

( Andrew H Y Wong )  
Director of Administration

**A comparison of the arrangements during POs' temporary absence set out in the three documents**

(1) CAB's paper dated 27 May 2002 to the Subcommittee	(2) Code for POs gazetted on 28 June 2002	(3) Director of Administration's letter dated 28 October 2002
<b>(a) General arrangements for temporary absence of POs</b>		
<p>1.1 <b>POs</b> are expected not to take leave for any length of time other than when LegCo is in recess. If they take leave for only a few days, the Administration sees no need for any special arrangements. This is particularly the case if the POs are physically in Hong Kong.</p> <p>1.2 If the <b>POs</b> are physically away from Hong Kong, they may nevertheless be able to make urgent decisions, for example, by means of fax or internet communications. So far as administrative responsibilities are concerned, these can be undertaken by the senior civil servants in the bureaux under delegated authority.</p>	—	<p>3.1 <b>POs</b> will endeavour to organize their business so that no major issues relating to their respective portfolios will arise in LegCo during their absence.</p>
<b>(b) Exercise of statutory powers and duties</b>		



<p>1.3 Where the statutory functions have not been delegated, CE may, as necessary, by notice in the Gazette direct another public officer to exercise the relevant statutory powers or perform the statutory duties (pursuant to section 57 of the Interpretation and General Clauses Ordinance). Depending on the nature of the statutory function in question, the public officers so directed may be <b>another PO or a senior civil servant</b> working in the policy bureau of the relevant PO.</p>	<p>2.1 <b>POs</b> may be directed as necessary by CE, during the temporary absence of other POs, to exercise the powers or perform the duties of the absent POs.</p>	<p>—</p>
<p>1.4 In the case of <b>SJ</b>, the relevant Law Officer will be so directed as necessary.</p>	<p>2.2 During the temporary absence of <b>SJ</b>, relevant Law Officers will exercise the powers and perform the duties of SJ.</p>	<p>—</p>
<p>1.5 In the case of <b>SCS</b>, cases involving promotion, disciplinary and extension of service etc will be referred to CE or the Permanent Secretary for Civil Service as appropriate for the exercise of authority under the Public Service (Administrative) Order 1997 and the relevant regulations made under the Order.</p>	<p>2.3 During the temporary absence of <b>SCS</b>, the Permanent Secretary in the Civil Service Bureau will exercise the powers and perform the duties of SCS.</p>	<p>—</p>

<i>(c) Attendance at meetings of LegCo</i>		
1.6 POs would so order his business that no major issues relating to his portfolio will arise in LegCo during his absence. But if such issues unexpectedly arose, arrangements will be made for another PO to attend meetings of LegCo and speak on behalf of the Government.	2.4 POs shall endeavour to ensure that they would be available to attend meetings of LegCo when matters relating to their respective portfolios are discussed.	3.2 If a PO is unable to attend a full Council meeting due to unexpected circumstances or other reasons, arrangement will be made for another PO to attend the meeting and speak on behalf of the Government.
1.7 During the temporary absence of a <b>Director of Bureau</b> , CS, FS or another Director of Bureau as appropriate may speak on behalf of the Government on business relating to the absent PO.	2.5 During the temporary absence of other <b>POs</b> , POs may be directed as necessary by CE to attend meetings of LegCo, its committees, subcommittees and panels and to speak on behalf of the Government.	3.3 During the absence of <b>other Directors of Bureaux</b> , another Director of Bureau will speak on behalf of the Government on established policy relating to the absent Director of Bureau under his/her own title.
1.8 During the temporary absence of <b>CS</b> , FS or one of the Directors of Bureau may speak on behalf of the Government.  1.9 During the temporary absence of <b>FS</b> , CS or one of the Directors of Bureau may speak on behalf of the Government.	—	3.4 During the absence of <b>CS or FS</b> , the Director of Bureau who stands in as Acting CS or Acting FS will attend the meeting and speak on behalf of the Government.

<p>1.10 In the case of <b>SJ</b>, given the special role and responsibility of that position, arrangements will be made for a designated Law Officer to attend LegCo meetings and speak on behalf of the Government on business relating to SJ. In doing so, he will limit himself to established policy.</p> <p>1.11 In the case of <b>SCS</b>, given the special role and responsibility of that position particularly in relation to the management of the Civil Service, the Permanent Secretary in the Civil Service Bureau will be designated to attend LegCo meetings and speak on behalf of the Government on business relating to SCS. In doing so, he will limit himself to established policy.</p>	<p>2.6 During the temporary absence of <b>SJ</b>, the relevant Law Officers will attend meetings of LegCo, its committees, subcommittees and panels and to speak on behalf of the Government.</p> <p>2.7 During the temporary absence of <b>SCS</b>, the Permanent Secretary in the Civil Service Bureau will attend meetings of LegCo, its committees, subcommittees and Panels and to speak on behalf of the Government.</p>	<p>3.5 During the absence of <b>SJ and SCS</b>, given their special roles and responsibilities, arrangements will be made for a designated Law Officer and the Permanent Secretary for the Civil Service to attend the full Council meeting on their behalf respectively.</p>
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<i>(d) Other issues</i>		
—	2.8 Civil servants designated to attend meetings of LegCo, its committees, subcommittees and Panels and speak on behalf of the Government are required to limit themselves to established policy.	—
—	—	3.6 In future, where any PO is unable to attend a full Council meeting to speak on behalf of the Government, the Administration Wing will inform the LegCo President beforehand of the relevant arrangements as soon as possible.

Abbreviations

- CAB - Constitutional Affairs Bureau
- CS - Chief Secretary for Administration
- FS - Financial Secretary
- POs - Principal Officials
- SJ - Secretary for Justice
- SCS - Secretary for Civil Service

For information

PWSC(2002-03)29

## **NOTE FOR PUBLIC WORKS SUBCOMMITTEE OF FINANCE COMMITTEE**

### **Attendance of public officers at meetings of the Public Works Subcommittee**

At the meeting of the Public Works Subcommittee (PWSC) held on 16 October 2002, Members requested the Administration to clarify whether there had been any change in the representation and role of public officers attending PWSC meetings since the introduction of the accountability system and whether public officers attending PWSC meetings could represent their bureaux and departments.

2. Further to the discussion at PWSC, the Chief Secretary for Administration has assured the Chairman of the House Committee at their regular weekly meeting on 22 October 2002 that all public officers attending meetings of the Legislative Council, be they committee or panel meetings, represent the Government and speak on behalf of the Government. Whereas Principal Officials (POs) would attend full meetings of the Legislative Council, representation at subcommittees and panels would depend on the subject being discussed. The guiding principle is that the Government would send the most suitable representative(s). Irrespective of the level of Government's representation, however, the POs would accept total responsibility for matters under their policy portfolios.

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Government Secretariat  
November 2002