

立法會
Legislative Council

LC Paper No. CB(2)645/03-04
(These minutes have been
seen by the Administration)

Ref : CB2/PL/CA

Panel on Constitutional Affairs

**Minutes of meeting
held on Monday, 17 November 2003 at 2:30 pm
in the Chamber of the Legislative Council Building**

**Members
present**

: Hon Andrew WONG Wang-fat, JP (Chairman)
Hon Emily LAU Wai-hing, JP (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Hon Albert HO Chun-yan
Hon Martin LEE Chu-ming, SC, JP
Hon Fred LI Wah-ming, JP
Dr Hon LUI Ming-wah, JP
Hon NG Leung-sing, JP
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching, JP
Hon Bernard CHAN, JP
Hon SIN Chung-kai
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung, BBS
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon SZETO Wah
Dr Hon LAW Chi-kwong, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung

Hon LEUNG Fu-wah, MH, JP
Hon WONG Sing-chi
Hon IP Kwok-him, JP
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP
Hon MA Fung-kwok, JP

**Members
absent** : Hon James TO Kun-sun
Hon LAU Wong-fat, GBS, JP

**Public officers
attending** : Items IV - VII

Mr Stephen LAM Sui-lung
Secretary for Constitutional Affairs

Mr Clement C H MAK
Permanent Secretary for Constitutional Affairs

Mr Joseph LAI Yee-tak
Deputy Secretary for Constitutional Affairs

Mr Raymond TAM
Principal Assistant Secretary for Constitutional Affairs

Ms Esther LEUNG
Principal Assistant Secretary for Home Affairs
(Item V only)

Mr LI Wing
Chief Electoral Officer
(Item VI only)

Mr Andrew HY WONG
Director of Administration
(Item VII only)

Ms CHANG King-yiu
Deputy Director of Administration
(Item VII only)

Ms Elizabeth TSE
Deputy Secretary for Financial Services
and the Treasury (Treasury)
(Item VII only)

Clerk in attendance : Mrs Percy MA
Chief Assistant Secretary (2)3

Staff in attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Mr Watson CHAN
Head (Research and Library Services)
(Item III only)

Miss Kitty CHENG
Assistant Legal Adviser 5

Mr Thomas WONG
Research Officer 4
(Item III only)

Mr Paul WOO
Senior Assistant Secretary (2)3

Miss Millie WONG
Senior Assistant Secretary (2)4

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I. Confirmation of minutes of meeting
(LC Paper No. CB(2)316/03-04)

The minutes of the meeting held on 20 October 2003 were confirmed.

II. Information papers issued since the last meeting
(LC Paper Nos. CB(2)121/03-04(01) and IN02/03-04)

2. Members noted that the following information papers had been issued to the Panel since the last meeting -

- (a) LC Paper No. CB(2)121/03-04(01) - Response of the Administration to issues raised by members relating to the "Publicity programme for 2003 District Councils election" at the Panel meeting on 21 July 2003; and
- (b) IN02/03-04 - Information Note on "Operation of Committees on Bills in the United Kingdom Parliament" prepared by the Research and Library Services Division (RLSD) of the Legislative Council (LegCo) Secretariat.

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III. Items for discussion at the next meeting
(LC Paper Nos. CB(2)331/03-04(01) and (02))

3. Members agreed that the following items should be discussed at the next meeting on 15 December 2003 -

- (a) Election expense limits for the 2004 Legislative Council elections (proposed by the Administration); and
- (b) Guidelines on election-related activities issued by the Electoral Affairs Commission (paragraph 29 below refers).

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4. As the Secretary for Constitutional Affairs (SCA) had advised at the last meeting that the Government would make a decision on the timetable for the public consultation and review on constitutional development in December 2003, the Chairman asked if the item could be included in the agenda for the next meeting on 15 December 2003. SCA said that the Administration would report to the Panel after a decision was taken on the matter. He was not in a position to advise whether he could revert to the Panel at the meeting on 15 December 2003, but undertook to give advance notice to the LegCo Secretariat if there was a need for holding a special meeting in December 2003 to brief the Panel on the matter.

IV. Matters arising from the last meeting

(A) Review on constitutional development after 2007
(LC Paper No. CB(2)337/03-04(01))

Briefing by the Administration

5. SCA briefed members on the Administration's paper which provided information on -

- (a) organizations which the Constitutional Affairs Bureau (CAB) had met to discuss constitutional development issues since June 2003;
- (b) preliminary observations on views gathered from the discussions with the organizations; and
- (c) issues covered in the internal research on constitutional development being conducted by the Administration.

6. SCA said that after conducting detailed research and having sought legal advice from the Department of Justice on paragraph 7 of Annex I to the Basic Law, the Administration's conclusion was that if there was a need, amendment to

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the method for selecting the third term Chief Executive (CE) in 2007 might be considered. However, any proposal put forth must be handled in accordance with the principle of gradual and orderly progress and in the light of the actual situation in Hong Kong as stipulated in the Basic Law, and according to procedures and requirements set out in Article 45 and Annex I of the Basic Law. The internal research also covered Annex II to the Basic Law on the method for the formation of LegCo. As the fourth term LegCo would be formed in 2008, the term "subsequent to the year 2007" would cover the fourth term. SCA added that the other areas of internal research concerned practical electoral arrangements such as voter registration, population size in geographical constituencies, and voting arrangements.

Organizations met by CAB and their views

7. Ms Emily LAU enquired whether the Administration had met with the business sector, e.g. the Hong Kong General Chamber of Commerce, and whether the organizations listed in the Administration's paper were exhaustive. She considered that the specific views on constitutional issues made by the respective organizations met by CAB, instead of a summary of their concerns, should be provided to the Panel.

8. SCA said that CAB had met these organizations to discuss, inter alia, constitutional development. Some of the meetings were organized in response to requests made by the respective organizations, while others were initiated by CAB. A summary of the main areas of concern of these organizations on constitutional development was set out in the Administration's paper for members' reference. SCA agreed that the Administration would make public the views received from various organizations during public consultation on constitutional development. SCA added that he had addressed the Hong Kong General Chamber of Commerce upon their invitation. However, as the organization did not give any views on constitutional development at the meeting, its name was not included in the Administration's paper.

9. Mr HUI Cheung-ching stressed that the Administration should carefully consider and analyze the views of different sectors of the community before making a decision on the subject of constitutional development. SCA responded that the Administration would gather views from different sectors including political parties and other organizations. The concerted efforts of all sectors were required to make progress on constitutional development after 2007.

Timetable of public consultation and review on constitutional development

10. Ms Emily LAU expressed concern whether there was sufficient time for public consultation and other necessary preparatory work for implementing any proposals arising from the review before 2007.

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11. SCA said that when he announced the timetable for the public consultation, he would also provide information on how consultation would be conducted at different stages and the parties to be consulted.

Scope of public consultation and review on constitutional development

12. Having regard to the issues covered in the internal research being conducted by the Administration, Ms Cyd HO expressed concern about the scope of the public consultation on constitutional development. She said that the Administration should address the fundamental issues in the review on constitutional development, i.e. election of CE and LegCo Members by universal suffrage. Secondary issues such as the number of seats in LegCo and voting arrangements should be dealt with separately.

13. SCA agreed that the method for the selection of the CE and the formation of the LegCo beyond 2007 would be the main issues covered in the review on constitutional development. SCA explained that the Administration had undertaken to review certain electoral arrangements having regard to suggestions previously made by LegCo Members and other parties. It was the usual practice for the Administration to review electoral arrangements in the process of considering whether legislative amendments were required to be introduced to electoral laws.

14. Ms Emily LAU considered that the scope of the internal research should cover issues such as Executive/LegCo relationship, ruling party for LegCo, legislation on political parties, and options for electoral systems for election of CE and all LegCo Members by universal suffrage.

15. SCA said that apart from the method for selecting CE in 2007 and LegCo Members in 2008, the review on constitutional development would also cover practical electoral arrangements such as the delineation of the geographical constituencies. Ms LAU asked whether the relationship between the Executive/LegCo would be covered in the review, with various options set out for public consultation. SCA said that the review on post-2007 constitutional development would mainly focus on Annex I and Annex II of the Basic Law. He reiterated that the Administration had no plan to amend the provisions of the Basic Law relating to the relationship between the Executive/LegCo. If any changes introduced to the electoral systems had an impact on the Executive/LegCo relationship, the Administration would consider such implications carefully. SCA added that it might not be necessary to amend the Basic Law or local legislation to strengthen the relationship between the two institutions. He had on other occasions suggested that the third term CE could consider appointing persons with political affiliation as members of the Executive Council or nominating such persons for appointment as principal officials under the accountability system. However, this would be a matter for the third term CE to consider.

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16. Referring to the different views expressed by Ms Cyd HO and Ms Emily LAU on the scope of the review on constitutional development, the Chairman said that although he was inclined to support the view of Ms HO that the review should focus on the fundamental issues leaving secondary issues to be dealt with separately, he shared Ms LAU's view that the Executive/LegCo relationship was related to the review.

Referendum

17. Mr CHEUNG Man-kwong said that there were three stages in the review on constitutional development, namely, public consultation, formulation of policy decisions, and legislative work. It was important that any policy decisions made should reflect the majority views of the public. The Administration should have learnt an important lesson from the public consultation on proposals to implement Article 23 of the Basic Law (BL23), and should differentiate mainstream public views from views distorted to achieve certain aims.

18. Mr CHEUNG further said that under the Basic Law, amendments to the method for the selection of the third term CE and the formation of the fourth term LegCo could not be made unless with the endorsement of a two-thirds majority of all LegCo Members. Given the percentage of the elected membership of the current and third term LegCo, the endorsement of LegCo might not be easily obtained to respond to public aspirations on democratic development. He considered that a referendum was a means to resolve the situation. For the purpose of canvassing public views accurately, Mr CHEUNG asked if the internal research of the Administration would also examine the need, feasibility and method for conducting a referendum on the post-2007 constitutional development.

19. SCA reiterated that the constitutional development after 2007 would be dealt with in accordance with the Basic Law. He added that all LegCo Members, irrespective of whether they were returned from geographical constituency or functional constituency elections, should make decisions on issues relating to constitutional development in the overall interests of Hong Kong. SCA said that the Government had no plan to conduct a referendum on constitutional development.

20. The Chairman said that a referendum could be consultative in nature and non-binding on the Government. The outcome of the referendum could be for reference of the Government and LegCo. He requested the Administration not to rule out that option. SCA said that he had noted members' views on referendum, but maintained the view that the review on constitutional development beyond 2007 should be dealt with in accordance with the procedures set out in Annex I and Annex II of the Basic Law.

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Need to amend Annex I of the Basic law

21. Referring to the discussion of the Panel concerning amendments to Annex I and Annex II of the Basic Law, Miss Margaret NG informed members that the Article 45 Concern Group (the Concern Group) had recently issued a pamphlet to address the legal questions whether it was possible under the Basic Law to have a CE elected by universal suffrage in 2007. The opinion of the Concern Group was that Annex I of the Basic Law did not need to be amended for the election of CE by universal suffrage to take place in 2007. She requested the Administration to provide its preliminary views, and the Panel to consider inviting the legal profession and academics to give views, on the opinion.

(Post-meeting note : The relevant paragraphs of the pamphlet entitled "Opinion No. 1" issued by the Article 45 Concern Group are appended below -

"Does Annex I have to be amended for the election of the Chief Executive by universal suffrage to take place in 2007?

No. As the method for selecting the Chief Executive is set out in the Chief Executive Election Ordinance, amendments to the method can be achieved by amending the provisions of this Ordinance. So long as the amendments are supported by two-thirds of all members of the Legislative Council, the Chief Executive gives his assent to the Ordinance as amended and the Ordinance as amended is reported to the Standing Committee of the NPC {National People's Congress} for approval, the requirements of paragraph 7 of Annex I will be satisfied."

22. SCA said that he was aware of the opinion of the Concern Group on the issue which was published only a few days before the meeting. CAB would wish to examine the matter more closely before the Administration could offer further views. However, he would like to raise a point for the consideration of the Concern Group. SCA pointed out that paragraphs 1, 2 and 5 of Annex I set out the nomination procedure and the requirement for the election of CE by a broadly representative Election Committee comprising 800 members. If the method for selecting CE by the 800-member Election Committee was changed by way of amendments to the Chief Executive Election Ordinance, and Annex I remained unchanged, the method for selecting CE as provided in the amended Ordinance would be inconsistent with that provided in Annex I of the Basic Law.

23. Miss Margaret NG said that as Annex I included paragraph 7 and as long as the requirements of paragraph 7 was met, the Concern Group considered that there was no need to amend Annex I. She said that the Concern Group was prepared to discuss the matter further with the Administration. Miss NG emphasized that this was a technical issue relating to the interpretation of the Basic Law, and should be dealt with as early as possible so as not to delay the progress of the review on constitutional development.

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- (B) Proposed agenda items for discussion by the Panel in the 2003-04 session
(LC Paper Nos. CB(2)124/03-04(01); CB(2)331/03-04(03))

24. The Chairman referred members to the letter of Ms Emily LAU proposing nine items to be discussed by the Panel in the 2003-04 session (LC Paper No. CB(2)124/03-04(01), and a summary of the research studies previously undertaken by RLSD relating to the portfolio of the Panel (LC Paper No. CB(2)331/03-04(03)). The Chairman said that at his request, RLSD had also prepared proposed research outline on the following two items raised in Ms LAU's letter -

- (a) political party law (item 6); and
- (b) composition, functions and operation of the Electoral Affairs Commission (EAC) (item 8)

Proposed research outline on "The Regulatory Framework of Political Parties in Germany, New Zealand, and Singapore"
(LC Paper No. CB(2)331/03-04(04))

25. The Chairman informed members that the proposed research outline was considered by the Panel in January 2003, and a decision on whether to proceed with the research study was deferred.

RLSD 26. Ms Emily LAU proposed that the United Kingdom (UK) should also be included in the study, as its experience and practice might be of useful reference for Hong Kong which had been a colony of UK. Head, Research and Library Services said that if UK was included in the research, the date of completion of the research would be deferred by one month to February 2004. The Chairman requested RLSD to collect preliminary information on UK, such as whether the system in UK was similar to that of New Zealand, in considering whether it was necessary to include UK in the research. Members endorsed the proposed research outline.

Proposed research outline on "Operation of Electoral Regulatory Bodies in Selected Places"
(LC Paper Nos. CB(2)331/03-04(05); CB(2)331/03-04(06))

RLSD 27. Miss Margaret NG said that the objective of requiring the EAC Chairman to be a judge was to ensure that the person appointed would be impartial and apolitical. However, it would appear that the choice of a judge for the office of the EAC Chairman was no longer significant as the nature of the work handled by EAC had become increasingly controversial. She requested that the research should also cover issues such as whether chairmen of similar bodies in the selected places were required to be judges, as well as the rationale for, and pros and cons of, such a requirement.

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28. Members endorsed the proposed research outline.

Guidelines on election-related activities issued by the Electoral Affairs Commission (item 9 in Ms Lau's letter)
(LC Paper No. CB(2)331/03-04(07))

29. The Chairman referred members to some recent press reports on Members' comments on the guidelines issued by EAC in respect of the 2003 District Councils (DCs) elections. He said that members might wish to give views on the guidelines for regulating election-related activities for the 2004 LegCo elections, in the light of the experience of the 2003 DCs elections. Members agreed to discuss the item at the next meeting.

V. Code of practice for public consultation conducted by the Government

(LC Paper Nos. FS06/03-04, CB(2)323/03-04(01) - (04); CB(2)331/03-04(08); CB(2)337/03-04(02))

Proposal of the Democratic Party

30. The Chairman said that the item was proposed by Dr YEUNG Sum. He referred members to the Code of Practice on Written Consultation in the United Kingdom (UK) provided by Dr YEUNG (LC Paper No. CB(2)323/03-04(01)), and the position paper of the Democratic Party (LC Paper No. CB(2)331/03-04(08)). The Chairman further said that at his request, RLSD had prepared a fact sheet on code of practice/guidelines on public consultation in selected places (LC Paper No. FS06/03-04), and provided copies of the Code/Guidelines on public consultation issued by Canada, Western Australia and European Union for members' reference (LC Paper Nos. CB(2)323/03-04(02) - (04)).

31. SCA said that the Administration's paper was prepared by the Home Affairs Bureau (HAB) and that CAB had issued it to the LegCo Secretariat on HAB's behalf. Principal Assistant Secretary for Home Affairs (PAS/HA) took members through the Administration's paper which set out the existing general principles adopted by the Government in undertaking public consultation (LC Paper No. CB(2)337/03-04(02)).

32. Mr CHEUNG Man-kwong briefed members on the Democratic Party's position paper on behalf of Dr YEUNG Sum who would be late for the meeting. He said that the Democratic Party proposed that the Government should promulgate a code of practice for public consultation to ensure that the consultation process was open, transparent and accountable to the public. In drawing up the code, the Administration should make reference to the general principles set out in the UK Code of Practice on Written Consultation.

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Key principles on public consultation

33. Miss Margaret NG pointed out that according to the Administration's paper, a number of key principles should be taken into account in order to ensure effective public consultation. However, it was observed that these key principles had not been adhered to by the Administration on some occasions, for example, the principles that the public should be informed of the results of the consultation exercise (paragraph 3(g)), and all comments and representations received from the public had to be carefully read and collated (paragraph 5). She quoted two examples to illustrate that the Administration had departed from the principle in collating and analyzing public views. Miss NG said that the first example was that the Administration had blatantly stated that it could not listen to all the views expressed in compiling the compendium of submissions on BL23. On whether the Administration should be responsible for collating and analyzing public views, Miss NG said that at the joint meeting of the Panel on Security and the Panel on Administration of Justice and Legal Services on 17 June 2003, the Research Team on the Compendium of Submissions on Article 23 of the Basic Law had suggested that an independent organization should be appointed for the task. She suggested that the minutes of the joint meeting should be circulated to this Panel and the Administration for consideration. Miss NG said that the second example was the consultation process for the proposal to shorten the polling hours of the 2003 DCs elections. The proposal was not highlighted in the consultation document which covered a whole range of different issues. Referring to the public consultation conducted by the UK on a similar proposal, Miss NG pointed out that the UK Government had spent much time and efforts to provide detailed explanations to respondents who did not support the proposal. Miss NG asked whether individual bureaux/departments were allowed to depart from the key principles in undertaking public consultation.

(Post-meeting note : The minutes of the joint meeting of the two Panels on 17 June 2003 were issued to the Panel vide LC Paper No. CB(2)376/03-04 and the Administration for reference.)

34. Ms Emily LAU said that she had previously complained to the Chief Secretary for Administration that the handling of the BL23 public consultation had deviated from the principles set out in a circular on how to conduct public consultation issued by the Administration, but to no avail. Ms LAU further said that the Administration should consider carefully how the public consultation on constitutional development should be undertaken in view of the controversial nature of the subject and in light of the experience of the BL23 public consultation.

35. PAS/HA responded that the internal guidelines set out the major principles which should be taken into account in conducting public consultation. However, the decision of how the consultation should actually be conducted

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rested with the relevant responsible bureaux/departments, having regard to the nature and circumstances of the consultation subject. In response to the Chairman on whether individual bureaux/departments were required to give an explanation of any departure from the key principles, PAS/HA said that there was no such requirement in the internal guidelines. However, as the public consultation process should be open and transparent, the relevant bureaux/departments would still need to be accountable to the public for any decision which deviated from the normal practice in the guidelines. SCA supplemented that the internal guidelines were for internal reference and had been in use for some years. If there were major policy proposals for public consultation, senior officials within the Administration would discuss the method of consultation beforehand. SCA said that he would reflect the views of Miss Margaret NG on the two examples to his colleagues within the Administration.

Public consultation on constitutional development

36. Mr CHEUNG Man-kwong said that under the Basic Law, any amendments to the method for selecting CE and forming LegCo after 2007 must obtain the endorsement by LegCo and consent of CE, before such amendments were reported to the Standing Committee of NPC for approval or record, as appropriate. In the circumstances, the review on constitutional development was an internal affair of Hong Kong. The relevant office of the Central People's Government (CPG) stationed in Hong Kong should not be involved in organizing public views on the matter. SCA agreed that the review on constitutional development should be conducted in accordance with the Basic Law. He said that in conducting the review, the Administration would listen carefully to the views of LegCo Members and different sectors of the community.

37. Ms Cyd HO said that according to the then Secretary for Security, local consultation would take precedence over consultation with CPG on proposals to implement BL23. However, it was subsequently revealed that the consent of CPG on the fundamental issues had been sought prior to local consultation. She asked whether the same approach would be adopted by the Administration for the review on constitutional development.

38. SCA responded that the Administration had no pre-determined options on the review on constitutional development after 2007, and welcomed views from Members. The Administration had learnt a lesson in its handling of the legislative proposals to implement BL23 and realized that it was necessary to obtain support from both within and outside LegCo for implementing major policy proposals.

39. Mr Albert HO put forward two requests for the consideration of the Administration. He requested the Administration to give an undertaking that

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consultation with CPG would not be undertaken on the review on constitutional development which was an internal affair of Hong Kong, save for meeting the reporting requirements under the Basic Law. He also requested the Administration to consider setting up a monitoring committee comprising experts and representatives from different political parties to monitor the review. The monitoring committee should be consulted on the consultation document on the constitutional review before its release, the method of collating and analyzing the views received during the consultation period, and the conclusions of the review.

40. With regard to Mr HO's first request, SCA explained the role of CPG under the Basic Law. He said that any amendments to the method for selecting CE and LegCo Members after 2007 would require the support of a two-thirds majority of LegCo Members and the consent of CE under Annex I and Annex II of the Basic Law respectively. Amendments relating to the method for selecting CE should be reported to the Standing Committee of NPC for approval, whereas that relating to LegCo Members should be reported to the Standing Committee of NPC for the record. In addition, the Basic Law provided that CE should be appointed by CPG.

41. With regard to Mr HO's second request, SCA responded that the Panel was the appropriate forum to monitor the progress of the constitutional review. The media and other interested sectors such as academics and professionals could also play a monitoring role during public discussions. In response to SCA's reply, Mr HO suggested that a working group under this Panel, instead of the proposed monitoring committee, could be set up. SCA said that the Administration could not make available the draft consultation document to the Panel before publication. Nevertheless, he agreed that the Administration could have more discussions and communication with Members on the review on constitutional development.

42. SCA thanked the Democratic Party for raising the item and the LegCo Secretariat for providing information on the arrangements in overseas places. The Democratic Party's proposal on promulgation of a code of practice for public consultation would be referred to HAB for further consideration. HAB would report the progress to the Panel on Home Affairs.

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VI. Subsidiary legislation on financial assistance scheme
(LC Paper No. CB(2)331/03-04(09))

43. The Chairman informed members that upon the enactment of the Legislative Council (Amendment) Ordinance 2003 on 3 July 2003, a new scheme was introduced to provide financial assistance to candidates to offset part of their election expenses. He referred members to the Administration's paper on the Electoral Affairs Commission (Financial Assistance for Legislative Council Elections) (Application and Payment Procedures) Regulation (the

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Regulation) which set out the implementation procedures for the financial assistance scheme (LC Paper No. CB(2)331/03-04(09).

(Post-meeting note : A revised version of the paper was tabled at the meeting and issued to members after the meeting under LC Paper No. CB(2)360/03- 04).

44. Chief Electoral Officer briefed the Panel on the main features of the draft Regulation prepared by the Registration and Electoral Office, to be made by the Electoral Affairs Commission under the Electoral Affairs Commission Ordinance (Cap. 541). The Regulation would contain provisions for -

- (a) making claims and their submissions;
- (b) verification of claims;
- (c) withdrawal of claims;
- (d) payment of claims after verification; and
- (e) recovery of payment.

45. Ms Cyd HO pointed out that in making claims, the Regulation required the candidates to submit an auditor's report in accordance with the Standard on Assurance Engagements 200, High Level Assurance Engagements (the Standard), issued by the Hong Kong Society of Accountants. She queried whether this requirement would impose additional financial burden on candidates. She asked the Administration to provide the Panel with a copy of the Standard for reference before gazettal of the Regulation in January 2004.

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46. SCA responded that the requirement of the auditor's report was to ensure transparency and accountability of the procedure, and the same Standard was used by bureaux/departments dispensing public money for subsidy purposes.

VII. Transfer of statutory powers and functions of the Chief Secretary for Administration and Financial Secretary
(LC Paper No. CB(2)331/03-04(10))

47. Director of Administration (D of A) briefed members on the paper which set out the general principles and guidelines governing the internal review of the transfer of statutory powers and functions currently vested in the offices of the Chief Secretary for Administration and Financial Secretary to the respective Directors of Bureaux. The proposed transfer of powers and functions was to reflect responsibilities of the Directors of Bureaux pursuant to the implementation of the accountability system. All the proposed transfer of

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powers and functions would be effected through subsidiary legislation or amendment of legislation.

48. In response to the Chairman, D of A said that the Directors of Bureaux would, following established practice, brief the relevant LegCo Panels on specific transfer proposals before introduction of the relevant amendment bills.

49. The meeting ended at 4:30 pm.

Council Business Division 2
Legislative Council Secretariat
12 December 2003