

## **Vocational Training Council (Amendment) Bill 2004**

### **- Signing of Statements of Accounts**

1. Under section 17(3) of the Vocational Training Council Ordinance (Cap. 1130) (“VTCO”), after the end of each financial year, the Vocational Training Council (“VTC”) shall cause to be prepared a statement of income and expenditure of VTC during that financial year and a balance sheet of VTC on the last day thereof and such statement and balance sheet shall be signed by the Chairman. The Vocational Training Council (Amendment) Bill 2004 seeks to provide inter alia, that any one of the Deputy Chairmen may sign the statement of income and expenditure and balance sheet if the Chairman is absent from Hong Kong or is for any other reason unable to exercise the powers or perform the duties of a Chairman (proposed section 17(4)). At the meeting of the Bills Committee on 4 November 2004, Hon. Chan Yuen-han raised the question of whether similar arrangements were adopted by other statutory bodies and legal adviser was asked to provide more information on this issue.

2. Different statutory requirements with regard to statutory bodies’ duty to prepare and submit statements of accounts (such as statement of income and expenditure and balance sheet) are imposed by different legislation, for example,

(a) To be signed by the chairman or by the chairman with one other officer of the statutory body, e.g.

- Hong Kong Examinations and Assessment Authority Ordinance (Cap. 261) (to be signed by the chairman);
- Hong Kong Arts Development Council Ordinance (Cap. 472) (to be signed by the chairman and the executive officer);
- Occupational Safety and Health Council Ordinance (Cap. 398) (to be signed by the chairman);
- Securities and Futures Ordinance (Cap. 571) (to be signed by the chairman and one non-executive director).

(b) To be signed or submitted by the statutory body, e.g.

- Legal Aid Services Council Ordinance (Cap. 489) (to be submitted by the Legal Aids Services Council);
- Hospital Authority Ordinance (Cap. 113) (to be submitted by the

Hospital Authority);

- The Hong Kong Institute of Education Ordinance (Cap. 444) (to be submitted by the Council of the Institute);
- Hong Kong Export Credit Insurance Corporation Ordinance (Cap. 1115) (to be submitted by the Hong Kong Export Credit Insurance Corporation);
- Hong Kong Trade Development Council Ordinance (Cap. 1114) (to be submitted by the Hong Kong Trade Development Council);
- Hong Kong Productivity Council Ordinance (Cap. 1116) (to be transmitted by the Hong Kong Productivity Council);
- Mandatory Provident Fund Schemes Ordinance (Cap. 485) (to be submitted by the Mandatory Provident Fund Schemes Authority).

3. Members' attention is invited to the fact that in relation to the discharge of the various duties under the relevant statutes, certain statutes contain express provisions to the effect that a deputy chairman/vice-chairman/acting chairman may discharge the statutory duties of the chairman in prescribed situations, such as absence or incapacity of the chairman, for example,

- The Hong Kong Academy for Performing Arts Ordinance (Cap. 1135);
- The Open University of Hong Kong Ordinance (Cap. 1145);
- The Hong Kong Institute of Education Ordinance (Cap. 444);
- Lingnan University Ordinance (Cap. 1165);
- Hong Kong Baptist University Ordinance (Cap. 1126);
- City University of Hong Kong Ordinance (Cap. 1132);
- Hong Kong Trade Development Council Ordinance (Cap. 1114);
- Hong Kong Productivity Council Ordinance (Cap. 1116).

4. Members' attention is also invited to section 8(7) of VTCO, which provides that if any member of VTC (presumably including the Chairman appointed under section 8(2) of VTCO) is absent from Hong Kong or is for any other reason unable to exercise the powers or perform the duties of his office as a member, the Chief Executive may appoint another person to be a temporary member of VTC during the absence or incapacity of that member.

Legal Service Division

Legislative Council Secretariat

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