

SBCR 57/581/76

CB2/PL/SE

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25 January 2006

Clerk to Panel on Security
LegCo Secretariat
3/F, Citibank Tower
3 Garden Road
Hong Kong
(Attn: Mrs Sharon Tong)

Dear Mrs Tong,

**Panel on Security
Special meeting on 4 October 2005**

I refer to the discussion at the special meeting of the Panel on Security on 4 October 2005, during which the Administration was requested to provide a paper on existing legislation which provides that the commissioner or director concerned may direct and control the respective disciplined services, subject to the orders and control of CE.

The relevant provisions are listed below:

Police Force Ordinance (Cap 232)

Section 4 provides that -

"The Commissioner, subject to the orders and control of the Chief Executive, shall be charged with the supreme direction and administration of the police force."

Independent Commission against Corruption Ordinance (Cap 204)

Section 5(1) provides that -

"The Commissioner, subject to the orders and control of the Chief Executive, shall be responsible for the direction and administration of the Commission."

Immigration Service Ordinance (Cap 331)

Section 5 provides that -

"Subject to the orders and control of the Chief Executive, the Director shall be responsible for the direction and administration of the Service."

Customs and Excise Service Ordinance (Cap 342)

Section 4A provides that -

"(1) The Chief Executive may give such directions as he thinks fit, either generally or in any particular case, with respect to the exercise or performance by the Commissioner or any public officer.....of any powers, functions or duties under this Ordinance.

(2) The Commissioner and every public officer shall, in the exercise or performance of any powers, functions and duties under this Ordinance, comply with any directions given by the Chief Executive under subsection (1)."

Yours sincerely,

(Miss Cheung Siu Hing)
for Secretary for Security

c.c. LO(IL) (Attn: Mr Ian Wingfield)
SBCR 3/2/3231/94