

立法會
Legislative Council

LC Paper No. LS79/06-07

**Paper for the House Committee Meeting
on 1 June 2007**

**Legal Service Division Report on
Proposed Resolution under section 54A of the Interpretation and
General Clauses Ordinance (Cap. 1)**

The Secretary for Constitutional Affairs has given notice to move a motion on 13 June 2007 to effect a transfer, with effect from 1 July 2007, of the statutory functions of eight of the Directors of Bureaux to the Directors of nine re-organised Bureaux and between some of the affected Permanent Secretaries.

2. The motion will be moved under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1), which allows LegCo by resolution to provide for the transfer to any public officer of any functions exercisable by virtue of any Ordinance by another public officer. The resolution may also contain such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to the resolution. For the purpose of the section, "public officer" includes any corporation created for the purpose of incorporating a person for the time being holding a public office.

3. The last time a resolution was made by LegCo to effect a transfer of statutory functions involving a number of Directors of Bureaux was in 2002 when the accountability system was introduced.

4. The substantive parts of the proposed Resolution are contained in 14 paragraphs as follows –

- (a) paragraph (1) transfers functions under various ordinances of the Secretary for Constitutional Affairs to the Secretary for Constitutional and Mainland Affairs;
- (b) paragraph (2) transfers functions under various ordinances of the Secretary for Commerce, Industry and Technology to the Secretary for Commerce and Economic Development;
- (c) paragraph (3) transfers functions under the Electronic Transactions Ordinance (Cap. 553) of the Permanent Secretary for Commerce, Industry and Technology (Communications and Technology) to the

Permanent Secretary for Commerce and Economic Development (Communications and Technology);

- (d) paragraph (4) transfers functions under various ordinances of the Secretary for Economic Development and Labour to the Secretary for Commerce and Economic Development, Secretary for the Environment, Secretary for Labour and Welfare and Secretary for Transport and Housing;
- (e) paragraph (5) transfers functions under various ordinances of the Secretary for Education and Manpower to the Secretary for Education and the Secretary for Labour and Welfare;
- (f) paragraph (6) transfers functions under various ordinances of the Permanent Secretary for Education and Manpower to the Permanent Secretary for Education;
- (g) paragraph (7) transfers functions under various ordinances of the Permanent Secretary for Education and Manpower Incorporated to the Permanent Secretary for Education Incorporated;
- (h) paragraph (8) transfers functions under various ordinances of the Secretary for the Environment, Transport and Works to the Secretary for Transport and Housing, Secretary for Development and Secretary for the Environment;
- (i) paragraph (9) transfers functions under various ordinances of the Secretary for Health, Welfare and Food to the Secretary for Food and Health and Secretary for Labour and Welfare;
- (j) paragraph (10) transfers functions under various ordinances of the Secretary for Home Affairs to the Secretary for Development and Secretary for Constitutional and Mainland Affairs;
- (k) paragraph (11) transfers functions under various ordinances of the Secretary for Housing, Planning and Lands to the Secretary for Development, Secretary for the Environment and Secretary for Transport and Housing;
- (l) paragraph (12) is a savings provision on general matters; and
- (m) paragraphs (13) and (14) are savings provisions with regard to the corporation sole known as the "Permanent Secretary for Education", "Permanent Secretary for Education and Manpower", "Permanent Secretary for Education Incorporated" and "Permanent Secretary for Education and Manpower Incorporated".

5. Members may refer to LegCo Briefs CAB F19/6/3/2(2007) on "Re-organisation of Policy Bureaux of the Government Secretariat" and "Re-organisation of Policy Bureaux of the Government Secretariat: Legislative Amendments" issued to all Members on 3 and 10 May 2007 respectively.

6. Members may also refer to the Background Brief CB(2)1972/06-07(01) issued on 25 May 2007, which reports on the deliberations of the Panel on Constitutional Affairs on the proposed re-organisation of policy bureaux at its meetings on 8, 11, 16 and 18 May 2007 and related development.

7. At the House Committee meeting on 18 May 2007, Members agreed that a subcommittee be formed to study the legislative amendments relating to the proposed re-organisation. The Subcommittee on Legislative Amendments Relating to the Proposed Re-organisation of Policy Bureaux of the Government Secretariat which has subsequently been formed has been studying the draft resolution in detail.

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