

**Subcommittee on Legislative Amendments Relating to the Proposed  
Re-organisation of Policy Bureaux of the Government Secretariat**

**Response to issues raised by Members at the meeting on 28 May 2007**

**Introduction**

This paper sets out the Administration's response to the issues raised by Members at the sub-committee meeting held on 28 May 2007.

**Accreditation of Academic and Vocational Qualifications Ordinance**

2. The Accreditation of Academic and Vocational Qualifications Ordinance (the Ordinance), enacted on 2 May 2007, provides for a quality assurance mechanism to underpin the Qualifications Framework (QF). The Ordinance empowers the Secretary for Education and Manpower (SEM) to establish the QF for promoting lifelong learning in Hong Kong.

3. Following the enactment of the Ordinance, we will enter into an intensive phase of implementation. These include making of appeal rules for QF-related decisions, revamping the Hong Kong Council for Academic Accreditation (HKCAA) and modifying the accreditation procedures to ensure that they are relevant to vocational accreditation. In parallel, we will appoint assessment agencies for the pilot Recognition of Prior Learning mechanism and discuss with the stakeholders the establishment of a Credit Accumulation and Transfer System to enable truly flexible progression pathways. The Bureau responsible for QF will have to work very closely with both the academic and vocational education sectors. To provide continuity for this complex subject that cuts across academic and vocational education, we consider it advisable for the policy responsibilities for QF to remain in the Education Bureau (EDB) following the re-organization of the Government Secretariat. The housekeeping responsibilities for the HKCAA, as well as the powers and functions conferred by the Ordinance regarding quality assurance, will remain with the Secretary for Education.

4. The successful development of QF in Hong Kong requires close collaboration and interface between the academic and vocational sectors. As with other subjects involving multiple bureaux, EDB will work closely with the Labour and Welfare Bureau in developing and implementing the QF. We will also update the Legislative Council Panels on Education and Manpower on the developments relating to the QF on a regular basis.

### **Merchants Shipping (Seafarers) Ordinance**

### **Sailors Home and Missions to Seamen Incorporation Ordinance**

5. According to the Resolution, the powers under the Merchants Shipping (Seafarers) Ordinance and the Sailors Home and Missions to Seamen Incorporation Ordinance currently exercisable by the Secretary for Economic Development and Labour (SEDL) will be transferred to the Secretary for Transport and Housing (STH).

6. The Merchant Shipping (Seafarers) Ordinance and its subsidiary legislation regulate the registration, employment, qualification, discipline, health, safety and welfare of Hong Kong seafarers. Such matters are now under the purview of Marine Department. The Mercantile Marine Office of the Marine Department, for example, registers these seafarers and supervises their engagement on board ships.

7. The Sailors Home and Missions to Seamen Incorporation Ordinance provides for the incorporation of the Sailors Home and Missions to Seamen. Matters relating to the incorporation are now under the purview of Marine Department. The Director of Marine, for example, is a member of the committee of the Sailors Home and Missions to Seamen.

8. The arrangements in paragraphs 6 and 7 above will not be affected by the re-organisation. Since Marine Department is now under SEDL and will come under STH after the re-organisation, it is appropriate to transfer statutory functions currently exercisable by SEDL to STH (instead of Secretary for Labour and Welfare).

### **Airport Authority**

9. According to section 3(3)(a) of the Airport Authority Ordinance (Cap. 483), the Authority shall consist of a Chairman, the Chief Executive Officer who shall be a member ex officio, and 8 to 15 members. According to section 3(3)(c) of the ordinance, the Chairman and the other members of the Authority shall each be appointed by the Chief Executive.

10. It is pursuant to section 3(3)(c) of the ordinance that SEDL is appointed by the Chief Executive as a member the Airport Authority Board. As this role will be taken up by STH, upon implementation of the re-organisation on 1 July 2007, the Chief Executive will appoint STH to replace SEDL as member of the Airport Authority. There is no need to amend the law.

11. STH will report to the Chief Secretary for Administration on matters under the purview of the Transport and Housing Bureau.

### **Agriculture, Fisheries and Conservation Department**

12. The Director of Agriculture, Fisheries and Conservation (DAFC) reports to the Secretary for Health, Welfare and Food on matters relating to agriculture, fisheries, food safety, veterinary public health and animal welfare. The department also reports to the Secretary for the Environment, Transport and Works on matters relating to nature conservation and management of country and marine parks. It is not unusual for a department to report to more than one bureau if its portfolio straddles different policy areas. The department is placed under Health, Welfare and Food Bureau (HWFB) in the Government's organisation chart to reflect the fact that it has more responsibilities under the charge of HWFB.

13. After the re-organisation, DAFC will report to the Secretary for Food and Health on matters relating to agriculture, fisheries, food safety, veterinary public health and animal welfare and to the Secretary for the Environment on matters relating to nature conservation and management of country and marine parks. The existing arrangement whereby DAFC reports to different bureaux on respective matters will continue.

Constitutional Affairs Bureau  
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