

Legislative Council Panel on Constitutional Affairs

**Reorganisation of the Government Secretariat:
Response to issues raised by Members
at the meeting on 8 May 2007**

Introduction

This paper sets out the Administration's response to the issues raised by Members at the special panel meeting held on 8 May 2007.

Proposal to put "labour" and "welfare" portfolios under the same policy bureau

2. With regard to the view expressed at the last meeting that alleviating poverty and promoting self-reliance through job creation (re. para 3(c) of the LegCo Brief issued on 3 May 2007) was not applicable to all vulnerable groups, we agree that welfare covers more than just promotion of self-reliance through employment. There are, of course, welfare services and programmes which cater for the other needs of vulnerable groups, such as residential care for the elderly and the disabled. Nevertheless, on balance, we still consider it appropriate to put welfare and labour under the same bureau. The considerations are set out below.

- (a) It is generally agreed that the policy portfolio of the current Health, Welfare and Food Bureau (HWFB) is too wide and that the additional number of bureaux should be kept to a minimum. Given the interface between the portfolio of Labour Department and Social Welfare Department when it comes to promoting "from welfare to employment", it is appropriate for welfare to be transferred from HWFB and put under the same policy bureau with responsibility for labour and manpower.
- (b) Secondly, while promoting self-reliance through employment applies most aptly to the able-bodied unemployed, the concept, as an approach is also applicable to other vulnerable groups. Ample empirical evidence

suggests that gainful employment goes a long way towards raising the self-esteem and social integration of the disabled, the elderly and other marginalized/vulnerable groups. The objective is to raise self-esteem and promote social inclusion. This does not conflict with promotion of employment.

Legal Aid

3. Pursuant to the re-organisation proposal, the responsibilities for formulating legal aid policy and overseeing the implementation of various legal aid schemes by Legal Aid Department (LAD) will be transferred from the Administration Wing of the Chief Secretary for Administration's Office to Home Affairs Bureau.

4. The Administration considers it appropriate to place the subject within the purview of the Home Affairs Bureau, since legal aid is a complex stand-alone policy subject that involves the provision of services to the community. Led by a Director of Bureau and underpinned by a Permanent Secretary, the Home Affairs Bureau would be able to offer enhanced policy support to legal aid issues compared with the current set-up in the Administration Wing. The transfer will not affect the statutory role of the Legal Aid Services Council. Nor will it affect the legal aid services provided by LAD in accordance with the relevant legislation. The transfer is purely a matter of re-distribution of responsibilities within the Government Secretariat.

5. Prior to the re-organisation being implemented, the Administration Wing will continue its best efforts to take forward the various reviews under way, including the review on criminal legal aid fees and the five-yearly review on the legal aid financial eligibility limits, etc. To ensure continuity, the relevant team in the Administration Wing currently overseeing the legal aid portfolio will be transferred along with the re-organisation to the Home Affairs Bureau on 1 July 2007. The various reviews in the pipeline suggest that the legal aid portfolio is getting increasingly technical and detailed. It is only proper to place legal aid policy on par with other equally important policies, viz. under a Director of Bureau.

Sustainable Development, Environmental Protection and Energy

6. Pursuant to the re-organisation proposal, policies on environmental protection, sustainable development and energy will be put under the same bureau (ie the Environment Bureau). Sustainable development is a strategy by which a community pursues economic development which is compatible with the conservation of natural environment and enhancement of the quality of life of its citizens in the long term. The transfer of the Sustainable Development Unit from the Administration Wing to the Environment Bureau will allow the Unit to draw on the professional and technical expertise available within Environmental Protection Department to better serve the Council on Sustainable Development.

7. Central to the concept of sustainable development is the recognition of the need to pursue economic growth within the limits of the biosphere, for example, ambient air, water body and bio-diversity which are the core policy areas of the existing Environmental Protection Department.

8. Given that power generation accounts for over 90% of emissions of sulphur dioxide and half of nitrogen oxides and particulates in Hong Kong, energy is an important entry point to sustainable development and environmental protection. The challenge for Hong Kong will be to pursue technological innovations, regulatory measures and awareness-building to reduce the energy intensity of production processes and the pollution they generate. Similarly, on the consumption side, a mix of policies and measures is required to stimulate behaviour and lifestyle changes, in particular as they relate to the choice of energy-efficient consumer products.

9. Sustainable development is not possible without conscientious attempts to save energy and protect the environment. Hence, these three issues are by nature inextricably linked. The Administration considers that the proposed reorganization can help enhance the policy interface and synergy amongst these policy areas.

10. The concern has been expressed as to whether the projects or initiatives undertaken by the future Development Bureau will pay due regard to the principle of “sustainable development”. Sustainable development means seeking common ground among competing social, economic and environmental values. This enables us to focus on what is important when considering our future and how to address the balance between competing needs. No matter which bureau is to be responsible for the subject, government-wide efforts straddling different policy areas will be required. The Environment Bureau will work closely with other bureaux, including the Development Bureau, to ensure a consistent and vigorous adoption of the principle of “sustainable development” in all policy formulation.

Development and heritage conservation

11. Pursuant to the re-organisation proposal, the future Development Bureau will cover matters relating to planning, land use, buildings, urban renewal and development related heritage conservation. Bringing related policies together will help speed up the implementation of large-scale projects, and enhance efficiency while ensuring early attention to heritage conservation. This is in line with CE’s statement in his Election Platform that he will advocate a progressive view of development to harmonise “development” and “conservation” considerations.

12. Heritage conservation invariably impinges on considerations relating to planning, land use and building preservation. All these are aspects which fall within the portfolio of the Development Bureau.

Proposed organisation chart

13. The organisation chart of the HKSAR Government focuses primarily on the policy and statutory organs together with executive departments. Our established approach is not to include private offices of CE or of any Principal Officials under the political appointment system in the overall organisation chart of the HKSAR Government.

Title of the “Commerce and Economic Development Bureau” (商務及經濟發展局)

14. As to whether the titles of “Commerce and Economic Development Bureau” and “Development Bureau” will be sufficiently distinct, despite the apparent duplication in their titles, their respective portfolios are clearly different and are clearly distinguishable. We consider that the community will adapt to the new titles within a short period of time. In this regard, the Chinese titles of the Food and Environmental Hygiene Department (食物及環境衛生署) and the Department of Health (衛生署), for example, also have duplication but this does not seem to have given rise to any confusion. The title of “Commerce and Economic Development Bureau” properly reflects its responsibilities.

Remuneration of Director of Bureau after 1 July 2007

15. As explained in paragraph 10 of the LegCo Brief issued on 3 May 2007, the approved cash remuneration for Director of Bureau is \$298,115 per month, and the 10% cut will no longer apply for the new term of government starting from 1 July 2007. The question was raised as to whether the reversion could be implemented in phases.

16. The term of appointment of the Principal Officials under the political appointment system of the current term government will end on 30 June 2007. We consider that, with the commencement of the new term government on 1 July 2007, the contracts to be entered into with the Principal Officials should be based on the remuneration package approved by the Finance Committee in 2002. The 10% cut was accepted voluntarily by the Principal Officials of the second term HKSAR Government. This arrangement will lapse with the completion of the second term.

Constitutional Affairs Bureau
10 May 2007