
INFORMATION NOTE

Legal provisions governing some key aspects of selected statutory bodies in Hong Kong

1. Background

1.1 This information note provides the Subcommittee on West Kowloon Cultural District Development with information on the legal provisions governing some key aspects of the Hong Kong Arts Development Council, the Hong Kong Science and Technology Parks Corporation, the Ocean Park Corporation, the Airport Authority and the Urban Renewal Authority to facilitate the Subcommittee's deliberation on the establishment of a statutory body to take forward the West Kowloon Cultural District Project.¹ The following aspects of the selected statutory bodies are highlighted in the **Table**, while the corresponding legal provisions are set out verbatim in the **Appendices**²:

- (a) functions and powers;
- (b) composition of the governing board;
- (c) financial arrangements;
- (d) land grants; and
- (e) accountability arrangements.

¹ The Research and Library Services Division also prepares another information note entitled "Legal provisions governing some key aspects of statutory bodies of cultural development projects in selected overseas places" (IN03/07-08) for the Subcommittee's reference.

² The relevant legal provisions governing the Hong Kong Arts Development Council, the Hong Kong Science and Technology Parks Corporation, the Ocean Park Corporation, the Airport Authority and the Urban Renewal Authority are set out in **Appendix I, Appendix II, Appendix III, Appendix IV** and **Appendix V** respectively.

Table – Legal provisions governing some key aspects of selected statutory bodies in Hong Kong

	Hong Kong Arts Development Council	Hong Kong Science and Technology Parks Corporation	Ocean Park Corporation	Airport Authority	Urban Renewal Authority
Enabling legislation	<ul style="list-style-type: none"> Hong Kong Arts Development Council Ordinance (Cap. 472). 	<ul style="list-style-type: none"> Hong Kong Science and Technology Parks Corporation Ordinance (Cap. 565). 	<ul style="list-style-type: none"> Ocean Park Corporation Ordinance (Cap. 388). 	<ul style="list-style-type: none"> Airport Authority Ordinance (Cap. 483). 	<ul style="list-style-type: none"> Urban Renewal Authority Ordinance (Cap. 563).
Functions	<ul style="list-style-type: none"> The major functions of the Council are to plan, promote and support the broad development of, and participation and education in the arts, placing particular emphasis on the literary, performing, visual and film arts, with a view to improving the quality of life of the whole community. See Section 4 of the Ordinance on page 11. 	<ul style="list-style-type: none"> The functions of the Corporation are to <ol style="list-style-type: none"> facilitate the research and development and application of technologies in manufacturing and service industries in Hong Kong; and support the development, transfer and use of new or advanced technologies in Hong Kong. See Section 6 of the Ordinance on page 21. 	<ul style="list-style-type: none"> The functions of the Corporation are to manage, control and develop Ocean Park as a public recreational and educational park and to apply any profits howsoever derived for this purpose. See Section 17 of the Ordinance on page 33. 	<ul style="list-style-type: none"> The major functions of the Authority are to provide, operate, develop and maintain Hong Kong's airport at Chek Lap Kok, so as to maintain Hong Kong's status as a centre of international and regional aviation. See Section 5 of the Ordinance on page 43. 	<ul style="list-style-type: none"> The statutory functions of the Authority include <ol style="list-style-type: none"> undertaking, encouraging, promoting and facilitating urban renewal; replacing old and dilapidated areas with new development; and preserving buildings and sites, and structures of historical, cultural or architectural interest. See Section 5 of the Ordinance on page 62.

Table – Legal provisions governing some key aspects of selected statutory bodies in Hong Kong (cont'd)

	Hong Kong Arts Development Council	Hong Kong Science and Technology Parks Corporation	Ocean Park Corporation	Airport Authority	Urban Renewal Authority
Powers	<ul style="list-style-type: none"> ● Its major powers include: <ul style="list-style-type: none"> (a) preparing, promulgating and implementing proposals for the planning, development, promotion and support of the arts; (b) receiving grants from public funds, accepting and soliciting private gifts and donations; and (c) disbursing grants to organizations and individuals for the planning, development and promotion of the arts. ● See Section 5 of the Ordinance on pages 12-13. 	<ul style="list-style-type: none"> ● Its major powers include: <ul style="list-style-type: none"> (a) holding, selling, letting or disposing of property; (b) managing buildings and other facilities in its premises; (c) entering into contracts or other agreements; and (d) fixing and charging fees for its services and facilities. ● See Section 8 of the Ordinance on pages 22-24. 	<ul style="list-style-type: none"> ● Its major powers include: <ul style="list-style-type: none"> (a) acquiring and holding property; (b) maintaining and demolishing buildings and equipment; (c) entering into contracts; (d) fixing and collecting fees and charges; and (e) applying for and receiving sponsorships, receiving gifts and acting as trustees of moneys or other property vested in the Corporation on trust for the purpose of carrying out its functions. ● See Section 18 of the Ordinance on page 34. 	<ul style="list-style-type: none"> ● Its major powers include: <ul style="list-style-type: none"> (a) acquiring, holding and disposing all kinds of property including land; (b) granting leases of land; (c) making a contract or other agreement; and (d) determining the amount of airport charges and fees (see Section 7 of the Ordinance on page 44). ● Pursuant to an Airport Authority (Permitted Airport-related Activities) Order made under the Ordinance, the Authority is also allowed to engage in permitted airport-related activities at or from a place outside Hong Kong. 	<ul style="list-style-type: none"> ● Its major powers include: <ul style="list-style-type: none"> (a) entering into contracts; (b) altering, constructing, demolishing, maintaining, repairing, preserving or restoring any building, premises or structure ancillary thereto; and (c) surrendering any lease or applying for and agreeing to the modification of lease conditions or entering into any exchange. ● See Section 6 of the Ordinance on pages 63-64.

Table – Legal provisions governing some key aspects of selected statutory bodies in Hong Kong (cont'd)

	Hong Kong Arts Development Council	Hong Kong Science and Technology Parks Corporation	Ocean Park Corporation	Airport Authority	Urban Renewal Authority
Board composition					
Number of Board members	<ul style="list-style-type: none"> • Consisting of the Chairman, the Vice-chairman, three official members and not more than 22 other members. • See Section 3 of the Ordinance on pages 14-15. 	<ul style="list-style-type: none"> • Consisting of the Chairman and between eight and 16 Board members. • See Schedule 2 to the Ordinance on pages 25-26. 	<ul style="list-style-type: none"> • Consisting of not less than seven members (including the Chairman and the Deputy Chairman). • See Sections 8 and 9 of the Ordinance on page 35. 	<ul style="list-style-type: none"> • Consisting of the Chairman, the Chief Executive Officer, and between eight and 15 Board members. • The number of Board members who are public officers shall not at any time exceed the number of Board members who are not public officers. • See Section 3 of the Ordinance on page 45. 	<ul style="list-style-type: none"> • Consisting of: <ol style="list-style-type: none"> (a) the Chairman; (b) the Managing Director; (c) two other executive directors, not being public officers; (d) not less than seven other non-executive directors, not being public officers; and (e) four other non-executive directors who are public officers. • See Section 4 of the Ordinance on page 65.

Table – Legal provisions governing some key aspects of selected statutory bodies in Hong Kong (cont'd)

	Hong Kong Arts Development Council	Hong Kong Science and Technology Parks Corporation	Ocean Park Corporation	Airport Authority	Urban Renewal Authority
Appointing authority	<ul style="list-style-type: none"> Appointed by the Chief Executive of the Hong Kong Special Administrative Region Government (CE). See Section 3 of the Ordinance on pages 14-15. 	<ul style="list-style-type: none"> The Chairman is appointed by CE, while other Board members are appointed by the Financial Secretary. See Schedule 2 to the Ordinance on pages 25-26. 	<ul style="list-style-type: none"> Appointed by CE. See Section 8 of the Ordinance on page 35. 	<ul style="list-style-type: none"> All except the Chief Executive Officer are appointed by CE. The Chief Executive Officer is the ex-officio member of the Board. See Section 3 of the Ordinance on page 45. 	<ul style="list-style-type: none"> Appointed by CE. See Section 4 of the Ordinance on page 65.
Appointment criteria	<ul style="list-style-type: none"> Up to 10 members are nominated by organizations of the following interests: literary arts, music, dance, drama, visual arts, film arts, arts administration, arts education, arts criticism and Chinese opera. See Section 3 of the Ordinance on pages 14-15. 	<ul style="list-style-type: none"> Not mentioned. 	<ul style="list-style-type: none"> Not mentioned. 	<ul style="list-style-type: none"> All Board members should have wide experience in air or other forms of transport, industry, or in commercial, financial, consumer, or labour matters, or in administration. See Section 3 of the Ordinance on page 45. 	<ul style="list-style-type: none"> Not mentioned.
Establishment of the chief executive officer post	<ul style="list-style-type: none"> Appointed by the Board. The Chief Executive is responsible for leading and managing the facilities and staff of the Council. See Section 6 of the Ordinance on page 16. 	<ul style="list-style-type: none"> Appointed by the Board, subject to the approval of the Financial Secretary. The Chief Executive Officer is responsible for administering the affairs of the Corporation. See Section 14 of the Ordinance on page 26. 	<ul style="list-style-type: none"> Appointed by the Board. The Chief Executive is responsible for day-to-day management and administration of the Ocean Park. See Section 19 of the Ordinance on page 36. 	<ul style="list-style-type: none"> Appointed by the Board, subject to the approval of CE. The Chief Executive Officer is responsible for the general management and administration of the Authority's affairs. See Section 15 of the Ordinance on page 46. 	<ul style="list-style-type: none"> Appointed by CE. The Managing Director is the administrative head of the Authority. See Section 4 of the Ordinance on page 65.

Table – Legal provisions governing some key aspects of selected statutory bodies in Hong Kong (cont'd)

	Hong Kong Arts Development Council	Hong Kong Science and Technology Parks Corporation	Ocean Park Corporation	Airport Authority	Urban Renewal Authority
Financial arrangements					
Capital	<ul style="list-style-type: none"> ● Capital consists of <ol style="list-style-type: none"> (a) subventions from the Government through funds appropriated by the Legislative Council (LegCo); and (b) income from other sources including gifts, donations, fees and returns on investments. ● See Section 8 of the Ordinance on page 17. 	<ul style="list-style-type: none"> ● The authorized capital is equal to the value of the net assets of the Corporation, and is divided into shares of such denomination and number for issue to the Government as the Financial Secretary shall determine. ● See Section 17 of the Ordinance on page 27. 	<ul style="list-style-type: none"> ● Capital consists of assets transferred from its predecessor, the Ocean Park Limited. ● See Section 13 of the Ordinance on page 37. 	<ul style="list-style-type: none"> ● The initial authorized share capital of the Authority is HK\$36,648 million divided into 366 480 shares of HK\$100,000 each. ● The Authority issues to the Government such number of shares as the Financial Secretary shall from time to time direct. ● See Section 23 of the Ordinance on page 47. 	<ul style="list-style-type: none"> ● Capital consists of: <ol style="list-style-type: none"> (a) subventions from the Government through funds appropriated by LegCo; and (b) income from other sources including fees, rent, interest and returns on investments. ● See Section 10 of the Ordinance on page 66.
Power to borrow money	<ul style="list-style-type: none"> ● Yes. ● See Section 10 on page 17. 	<ul style="list-style-type: none"> ● Yes. ● See Section 8(2)(f) of the Ordinance on page 27. 	<ul style="list-style-type: none"> ● Yes. ● See Section 25 of the Ordinance on page 38. 	<ul style="list-style-type: none"> ● Yes. ● See Section 28 of the Ordinance on page 51. 	<ul style="list-style-type: none"> ● Yes. ● See Section 11 of the Ordinance on page 66.

Table – Legal provisions governing some key aspects of selected statutory bodies in Hong Kong (cont'd)

	Hong Kong Arts Development Council	Hong Kong Science and Technology Parks Corporation	Ocean Park Corporation	Airport Authority	Urban Renewal Authority
Other financial arrangements	<ul style="list-style-type: none"> • Deposit of surplus fund with licensed banks or investing the moneys in other investments specified by the Financial Secretary. • See Section 9 of the Ordinance on page 17. 	<ul style="list-style-type: none"> • The Corporation may declare and pay into the general revenue dividends on shares issued. • The Corporation may invest money that is not immediately required to be expended in such forms of investments approved by the Financial Secretary. • The Financial Secretary may declare any parts of the moneys of the Corporation to be surplus moneys and direct the payment of such surplus moneys into the general revenue. • No profits tax would be charged on the Corporation. • One or more funds can be established for the purposes of the Corporation. • See Sections 8(2)(n), 18-20 and 25 of the Ordinance on pages 27-28. 	<ul style="list-style-type: none"> • All funds of the Corporation that are not immediately required shall be invested in such investments as the Corporation thinks fit. • The Ocean Park Trust Fund was established to finance the capital expenditure on development projects and the cost of promoting the functions of the Ocean Park Corporation. • See Sections 27, and 30-32 of the Ordinance on pages 38-39. 	<ul style="list-style-type: none"> • The Authority is empowered to declare and pay dividends on the shares issued to the Government. • The Authority can maintain reserve funds with the Financial Secretary's approval. • Specified guarantees can be given to the Authority pursuant to a resolution of LegCo or its Finance Committee which is in either case to be proposed by the Financial Secretary. • The Authority can enter into financial transactions for the purpose of reducing financial risks to which it may be exposed. • See Sections 24-27 of the Ordinance on pages 48-50 and Sections 29-30 on pages 52-53. 	<ul style="list-style-type: none"> • The Authority has the power to lend money to any person(s) for the purposes of implementing a project of the Authority. • LegCo can by resolution authorize the Financial Secretary to grant guarantees in respect of the repayment of loans made to the Authority. • The Authority can invest surplus funds in the investments approved by the Financial Secretary. • No profits tax would be charged on the Authority. • See Sections 12-15 and Section 19 of the Ordinance on pages 67-69.

Table – Legal provisions governing some key aspects of selected statutory bodies in Hong Kong (cont'd)

	Hong Kong Arts Development Council	Hong Kong Science and Technology Parks Corporation	Ocean Park Corporation	Airport Authority	Urban Renewal Authority
Land grants					
Relevant legal provisions	<ul style="list-style-type: none"> • Not mentioned. 	<ul style="list-style-type: none"> • Not mentioned. 	<ul style="list-style-type: none"> • Not mentioned. 	<ul style="list-style-type: none"> • Any provision contained in the Land Grant which restricts or purports to restrict the assignment, parting with possession, subletting, mortgaging or otherwise charging, or other disposal of land by the Authority shall not be changed except with the prior consent of the Financial Secretary. • See Section 16 of the Ordinance on page 54. 	<ul style="list-style-type: none"> • Not mentioned.

Table – Legal provisions governing some key aspects of selected statutory bodies in Hong Kong (cont'd)

	Hong Kong Arts Development Council	Hong Kong Science and Technology Parks Corporation	Ocean Park Corporation	Airport Authority	Urban Renewal Authority
Accountability arrangements					
Reporting requirements	<ul style="list-style-type: none"> • Submission of programmes of proposed activities and estimates of income and expenditure to a person nominated by CE. • Maintaining proper accounts and records in relation to its accounts and transactions. • Tabling of audited statements of accounts and annual reports before LegCo. • See Sections 11, 12 and 15 of the Ordinance on pages 18-19. 	<ul style="list-style-type: none"> • Submission of its annual estimates of income and expenditure to the Financial Secretary. • Maintaining proper accounts and records of all its financial transactions. • Tabling of audited statements of accounts and annual reports before LegCo. • See Sections 22-24 of the Ordinance on pages 31-32. 	<ul style="list-style-type: none"> • Maintaining proper accounts of the Corporation and the Ocean Park Trust Fund. • Tabling of the audited statements of accounts and annual reports of both the Corporation and the Ocean Park Trust Fund before LegCo. • See Sections 26 and 33 of the Ordinance on pages 40-42. 	<ul style="list-style-type: none"> • Submission of its annual estimates of revenue and expenditure to the Financial Secretary. • Maintaining proper accounts and records of all its financial transactions. • Tabling of audited statements of accounts and annual reports before LegCo. • See Sections 32 and 33 of the Ordinance on pages 60-61. 	<ul style="list-style-type: none"> • Submission of its annual reports and audited statements of accounts to the Financial Secretary, who will then table the documents before LegCo. • Keeping proper accounting records and preparing financial statements. • Submission of corporate plans and business plans to the Financial Secretary. • See Sections 16, 18, 21 and 22 of the Ordinance on pages 72-77.
Audit requirements	<ul style="list-style-type: none"> • Appointment of an auditor. • Examination by the Director of Audit. • See Sections 13 and 14 of the Ordinance on pages 18-19. 	<ul style="list-style-type: none"> • Appointment of an auditor. • See Section 23 of the Ordinance on page 31. 	<ul style="list-style-type: none"> • Appointment of an auditor to audit both the Corporation and the Ocean Park Trust Fund. • See Section 28 of the Ordinance on page 41 and Section 35 on page 42. 	<ul style="list-style-type: none"> • Compilation of audited statements of accounts. • Establishment of the Airport Authority Audit Committee. • See Sections 31 and 32 of the Ordinance on pages 59-61. 	<ul style="list-style-type: none"> • Appointment of an auditor. • Compilation of audited statements of accounts. • See Sections 17 and 18 of the Ordinance on pages 72-73.

Table – Legal provisions governing some key aspects of selected statutory bodies in Hong Kong (cont'd)

	Hong Kong Arts Development Council	Hong Kong Science and Technology Parks Corporation	Ocean Park Corporation	Airport Authority	Urban Renewal Authority
Other accountability arrangements	<ul style="list-style-type: none"> ● Disclosure of Board members' interest. ● Compliance with the directions given by CE issued for public interest purposes and consistent with the powers and functions of the Council. ● See Section 16 and the Schedule of the Ordinance on page 20. 	<ul style="list-style-type: none"> ● Conducting its business under prudent commercial principles. ● Disclosure of Board members' interest. ● Compliance with the directions given by CE issued for public interest purposes. ● Furnishing CE with information specified by him. ● See Sections 7, 10, 12 and 13 of the Ordinance on pages 29-30. 	<ul style="list-style-type: none"> ● Disclosure of Board members' interest. ● Furnishing CE with information with respect to the property and affairs of the Corporation. ● Compliance with the directions given by CE issued for public interest purposes. ● See Section 10 of the Ordinance on page 40 and Sections 37-38 on page 42. 	<ul style="list-style-type: none"> ● Conducting its business under prudent commercial principles. ● Disclosure of Board members' interest. ● Compliance with the directions given by CE issued for public interest purposes. ● Furnishing CE with information with respect to the property and affairs of the Authority. ● See Sections 6, 13, 14, 19 and 20 of the Ordinance on pages 55-59 pages. 	<ul style="list-style-type: none"> ● Disclosure of Board members' interest. ● Requirement for the Chairman and the executive directors to attend meetings of the committees and subcommittees of LegCo. ● Publication of the Authority's urban renewal projects for public inspection. ● Establishment of an Appeal Board. ● See Sections 7-9, 23-24, 27-28, and 32-33 of the Ordinance on pages 70-71, 77-80, 80-85 and 85-86 respectively.

Appendix I

Hong Kong Arts Development Council Ordinance (Cap. 472)

Functions of the Hong Kong Arts Development Council

Relevant legal provisions are as follows:

Section 4: Functions of the Council

The functions of the Council are-

- (a) to plan, promote and support the broad development of the arts, including the literary, performing, visual and film arts, and to develop and improve the participation and education in and the knowledge, practice, appreciation, accessibility and informed criticism of the arts, with a view to improving the quality of life of the whole community;
- (b) to formulate and implement strategy for the planning, development, promotion and support of the arts;
- (c) to uphold the principle of, and encourage, freedom of artistic expression;
- (d) to encourage excellence, innovation, creativity and diversity in the arts;
- (e) to encourage interest, understanding, knowledge and skill in the arts at all levels within the formal education system as well as through extracurricular, part-time and voluntary systems;
- (f) to strive for the creation of an environment conducive to ensuring that-
 - (i) all persons in Hong Kong have the opportunity to enjoy, partake in and have access to the arts; and
 - (ii) those with the ability and desire to pursue a career in the arts have the opportunity to do so and receive tuition;
- (g) to advise the Government on the policies, standard of provision of facilities, educational programmes, levels of funding and any other matters that may affect the planning, development, promotion and support of the arts; and
- (h) to engage in other activities conducive to the planning, promotion and support of the development of the arts that the Chief Executive, after consultation with the Council, permits or assigns to it.

Powers of the Hong Kong Arts Development Council

Relevant legal provisions are as follows:

Section 5: Powers of the Council

(1) The Council may do all things that-

- (a) are expedient for or incidental or conducive to, the better performance of; or
- (b) in the opinion of the Council, are necessary to facilitate the carrying out of,

the functions of the Council.

(2) Without restricting the generality of subsection (1), the Council may-

- (a) prepare, promulgate and implement proposals for the planning, development, promotion and support of the arts;
- (b) prepare, promulgate and implement proposals for advancing and improving the knowledge, practice, appreciation, accessibility and informed criticism of the arts;
- (c) prepare, promulgate and implement proposals for the education and training of suitable persons with the ability and desire to pursue a career in the arts;
- (d) carry out itself, or encourage and support other persons or bodies to carry out research, documentation and planning and to disseminate information;
- (e) carry out studies into and in respect of the arts and their needs and review the progress in meeting those needs and make proposals for any action the Council considers necessary;
- (f) take action that the Council considers is appropriate, including giving advice to any person, on any matter relating to the functions of the Council;
- (g) maintain appropriate liaison, working relationships and consultation with and do anything which it may do under this Ordinance in association or co-operation with the Government, the Hong Kong Academy for Performing Arts, the Hong Kong Arts Centre, schools, colleges or tertiary institutions, District Councils and district associations, professional and amateur arts organizations and any other body or person involved in the promotion of the arts in Hong Kong, and in doing so the Council shall respect the autonomous positions of those bodies and person;
- (h) receive grants from public funds, accept and solicit private gifts and donations, whether of property or otherwise and whether subject to any trust or not;
- (i) raise money through sponsorship and other activities and to assist others in doing so where considered appropriate by the Council;

Powers of the Hong Kong Arts Development Council (cont'd)

- (j) disburse grants to organizations and individuals for the planning, development and promotion of the arts and pay such amounts of money to any person or organization whose functions are similar or incidental to the functions of the Council on terms and conditions as to that payment or otherwise that the Council considers appropriate;
- (k) consult, communicate, collaborate and facilitate cultural exchanges with organizations in places outside Hong Kong in the development of the arts and to secure the benefit of relevant experience from places outside Hong Kong, and to encourage and support others to do so where considered appropriate by the Council;
- (l) acquire, take on lease, purchase, hold and enjoy movable property and sell, let or otherwise dispose of or deal with movable property;
- (m) acquire, take on lease, purchase, hold and enjoy immovable property and lease or, with the approval of the Financial Secretary, sell or otherwise dispose of immovable property;
- (n) surrender any lease or apply for and agree to the modification of lease conditions or enter into any exchange;
- (o) undertake and execute any trust which has for its object the development of arts or any other object similar or incidental to the functions of the Council;
- (p) engage in any of its activities or exercise any of its powers either alone or in association with any other person or persons; and
- (q) engage in or support any other activities which the Council considers will facilitate the carrying out of the functions of the Council.

Board composition of the Hong Kong Arts Development Council

Relevant legal provisions are as follows:

Section 3: Establishment of the Council

- (1) There is established a body corporate called the Hong Kong Arts Development Council.
- (2) The Council may sue and be sued.
- (3) The Council shall consist of-
 - (a) a Chairman, a Vice-chairman and not more than 22 other members, each of whom shall be appointed by the Chief Executive for a term not exceeding 3 years;
 - (b)-(c) (Repealed 78 of 1999 s. 7)
 - (d) the Secretary for Home Affairs or his representative;
 - (e) the Permanent Secretary for Education or his representative; and
 - (f) the Director of Leisure and Cultural Services or his representative.
- (4) The other members referred to in subsection (3)(a) may include up to 10 persons nominated by organizations or groups of organizations specified under subsection (5), and each such organization or group of organizations may nominate for this purpose not more than 1 person for each of the interests represented by that organization or group of organizations, and each such person shall, in the opinion of the Chief Executive, be experienced in the interest for which he has been nominated.
- (5) The Chief Executive may by notice in the Gazette specify for the purposes of subsection (4) up to 10 organizations or groups of organizations each of which shall, in the opinion of the Chief Executive, be representative of one or more of the following interests-
 - (a) literary arts;
 - (b) music;
 - (c) dance;
 - (d) drama;
 - (e) visual arts;
 - (f) film arts;
 - (g) arts administration;
 - (h) arts education;
 - (i) arts criticism;
 - (j) Chinese opera (Xiqu).

Board composition of the Hong Kong Arts Development Council (cont'd)

- (6) The following persons are not eligible for appointment by the Chief Executive under subsection (3)(a) or nomination under subsection (4)-
- (a) a person who holds an established or non-established office, as defined in section 2(1) of the Pension Benefits Ordinance (Cap 99);
 - (b) a person who holds a judicial office as defined in section 2 of the Public Service Commission Ordinance (Cap 93);
 - (c) the Chairman of the Public Service Commissioner;
 - (d) the Commissioner, Deputy Commissioner and officers of the Independent Commission Against Corruption;
 - (e) the Commissioner for Administrative Complaints and his staff;
 - (f) a person who is employed by The Legislative Council Commission;
 - (g) a person who is serving as an officer or member of any armed forces;
 - (h) a person who is a salaried functionary of a government, whether central or local, of any place outside Hong Kong;
 - (i) a person who is an undischarged bankrupt or, within the previous 5 years, has either obtained his discharge in bankruptcy or has entered into a composition with his creditors, in either case without paying his creditors in full;
 - (j) a person who is the subject of a decision under the Mental Health Ordinance (Cap 136) that he is of unsound mind and incapable of managing himself and his affairs and who has not subsequently under that Ordinance been found to have ceased to be of unsound mind;
 - (k) a person who has in Hong Kong or any other territory or country been sentenced to death or imprisonment (by whatever name called) for a term exceeding 3 months and has not either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted or received a free pardon;
 - (l) without prejudice to paragraph (k), a person who has, where the appointment is to be made or is made within 10 years after the date of conviction, been convicted-
 - (i) of any offence in Hong Kong or in any other territory or country and sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine;
 - (ii) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554); or
 - (iii) of any offence under the Prevention of Bribery Ordinance (Cap 201); and
 - (m) a person who has been convicted of treason.
- (7) The members of the Council are the governing body of the Council and shall, in the name of the Council, manage the affairs of the Council and exercise the powers conferred on the Council under this Ordinance.
- (8) The Schedule applies with respect to the Council and its members and the Chief Executive may by order amend the Schedule.
- (9) The Council is not a servant or agent of the Government and does not have the status, immunities or privileges of the Government.
- (10) Notice of appointments under subsection (3) and any order under subsection (8) shall be published in the Gazette.

Board composition of the Hong Kong Arts Development Council (cont'd)

Section 6: Employees, etc. of the Council

(1) The Council shall appoint a person to be the executive officer to perform the function of leading and managing the facilities and staff of the Council and of representing the Council to and dealing with other persons and bodies in the ordinary course of the day-to-day business and functions of the Council that the Council considers do not require the involvement of the Chairman, Vice-chairman, any member of the Council or any committee of the Council.

(2) The executive officer is the principal executive officer of the Council and shall, under the direction of the Council, do all acts and things necessary for implementing the decisions of the Council or of any committee to which or person to whom the Council may have delegated the performance or exercise of any of its functions, powers or duties under this Ordinance.

(3) The Council may appoint or employ other persons and engage the services of technical or professional adviser, on terms of remuneration, benefits, allowances and other conditions of service that the Council considers appropriate.

(4) The Council may make or provide ex gratia payments to any employee of the Council, or to the personal representative of a deceased employee or to any other person who was dependent on an employee at his death.

Financial arrangements of the Hong Kong Arts Development Council

Relevant legal provisions are as follows:

Section 8: Capital of the Council

(1) Each financial year the Chief Executive may, out of money appropriated by the Legislative Council, authorize payment to the Council of an amount of money that he thinks fit for the purpose of assisting the Council to carry out its functions.

(2) The capital of the Council consist of-

- (a) all money received by the Council for or in connection with the carrying out of its functions;
- (b) all money received by the Council as gifts, donations, fees, rent, interest and accumulations of income received by the Council; and
- (c) all property and assets acquired by the Council.

Section 9: Use of surplus funds

All money of the Council which is not immediately required shall be deposited with any bank licensed under the Banking Ordinance (Cap 155) or invested in other investments that may be approved by the Financial Secretary, either generally or in any particular case.

Section 10: Council may borrow

(1) Subject to terms and conditions that may be required by the Financial Secretary, the Council may raise and secure a loan or loans, chargeable and payable out of the capital of the Council, of amounts of money that may be required for any capital expenditure of the Council or for the repayment of any loan previously raised.

(2) The Council may, with the approval of or in accordance with the terms of any general authority given by the Financial Secretary, borrow by way of overdraft or otherwise, amounts of money that may be required for discharging the obligations, performing the functions or exercising the powers conferred and imposed on the Council under this Ordinance.

Accountability arrangements of the Hong Kong Arts Development Council

Relevant legal provisions are as follows:

Section 11: Programmes and estimates

(1) The Council shall submit to a person nominated by the Chief Executive, at the time and in respect of the periods that the Chief Executive may direct, a programme of its proposed activities and estimates of its income and expenditure.

(2) The Council may from time to time revise the programme of its proposed activities and estimates of its income and expenditure.

Section 12: Accounts and statements

The Council shall maintain proper accounts and records in relation to its accounts and transactions and shall, as soon as practicable and in any case not later than 5 months after the close of each financial year, prepare in respect of that financial year, a statement of accounts of the Council, which shall include an income and expenditure account and a balance sheet and be signed by the Chairman and the executive officer.

Section 13: Auditor

(1) The Council shall appoint an auditor, who shall be entitled at any reasonable time-

(a) to have access to all books of accounts, vouchers and other records of the Council; and

(b) to require information and explanations that he considers necessary to discharge his functions.

(2) The auditor shall, as soon as practicable and in any case not later than 7 months after the close of each financial year, audit the accounts required to be maintained under section 12 and shall submit a report on the accounts to the Council.

Accountability arrangements of the Hong Kong Arts Development Council (cont'd)

Section 14: Examinations by Director of Audit

- (1) The Director of Audit may, in respect of any financial year, carry out examinations into the economy, efficiency and effectiveness with which the Council has used its capital in carrying out its functions, powers and duties.
- (2) The Director of Audit may at any reasonable time-
- (a) have access to documents in the custody or under the control of the Council that he may reasonably require for carrying out an examination under this section; and
 - (b) require from any person holding or accountable for a document any information or explanation that he considers to be reasonably necessary for the purpose of examination.
- (3) This section does not entitle the Director of Audit to question the merits of the functions or policy objectives of the Council.
- (4) The Director of Audit may report to the President of the Legislative Council the results of an examination carried out under this section.

Section 15: Annual report

The Council shall, not later than 9 months or a longer time that the Chief Executive may determine, after the close of each financial year submit-

- (a) a report on the activities and affairs of the Council for that year;
- (b) a copy of its statement of the accounts for that year; and
- (c) the auditor's report on the accounts,

to the Chief Executive who shall cause such statement and reports to be laid on the table of the Legislative Council not later than 3 months after the receipt of such statement and reports by the Chief Executive.

Accountability arrangements of the Hong Kong Arts Development Council (cont'd)

Section 16: Directions by the Chief Executive

The Chief Executive may, if he considers the public interest so requires, give to the Council directions in writing, not inconsistent with its functions and powers under this Ordinance, with respect to the carrying out of its functions, powers or duties, either generally or in any particular case, and the Council shall comply with those directions.

Schedule: 8. Members of the Council to disclose interests in respect of certain contracts

- (1) A member of the Council and a person appointed to a committee under section 7 who is in any way directly or indirectly interested in a contract made or proposed to be made by the Council or in a contract made or proposed to be made by a servant or agent of the Council which is brought up for consideration at a meeting of the Council or a committee, shall disclose the nature of his interest at the meeting.
- (2) The disclosure shall be recorded in the minutes of the meeting.
- (3) The member or person making the disclosure shall not without the permission of the Chairman of the meeting take any part in any deliberation of the meeting with respect to that contract and shall not in any event vote on any question concerning it.
- (4) Any interest whether direct or indirect in a contract made or proposed to be made by the Council or in a contract made or proposed to be made by a servant or agent of the Council and which is vested in or held by a person employed or engaged by the Council or by a member of a committee of the Council shall be disclosed by the person interested to the Chairman who shall arrange for the disclosure to be considered at the next meeting of the Council and recorded in the minutes of the meeting.
- (5) For the purpose of this section, a notice given at a meeting by a member to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with the company or firm shall be regarded as a sufficient disclosure of his interest in relation to any contract so made or proposed to be so made.
- (6) A member need not attend in person at a meeting in order to make a disclosure which he is required to make under this section if he takes reasonable steps to ensure that the disclosure is made by a notice which is brought up and read at the meeting.
- (7) A member of the Council or a committee who has an interest of the kind required to be disclosed under this section and who is consulted by circulation of papers on a matter relating to the subject of his interest shall disclose to the Chairman the fact and nature of his interest.

Appendix II

Hong Kong Science and Technology Corporation Ordinance (Cap. 565)

Functions of the Hong Kong Science and Technology Parks Corporation

Relevant legal provisions are as follows:

Section 6: Purposes of Corporations

(1) The purposes of the Corporation are-

- (a) to establish or develop any premises where activities related to the purposes prescribed in paragraph (b), (c) or (d) are, or are to be, carried out, and to manage and control the land and other facilities comprised in such premises;
- (b) to facilitate the research and development and application of technologies in manufacturing and service industries in Hong Kong;
- (c) to support the development, transfer and use of new or advanced technologies in Hong Kong;
- (d) to engage in such activities or to perform such functions as the Chief Executive in Council may, after consultation with the Corporation, permit or assign to it by order published in the Gazette.

(2) An order under subsection (1)(d) is subsidiary legislation.

Powers of the Hong Kong Science and Technology Parks Corporation

Relevant legal provisions are as follows:

Section 8: Powers of Corporation

(1) The Corporation shall have powers-

- (a) to do, in any part of the world, such things as are expedient for or conducive to the attainment of the purposes of the Corporation or of any purpose reasonably incidental to or consequential upon any of those purposes;
- (b) to do any thing referred to in paragraph (a) jointly with other persons.

(2) Without prejudice to the generality of subsection (1), the Corporation may-

- (a) purchase, hire or otherwise obtain, hold, sell, let or otherwise dispose of property of any description;
- (b) build, rebuild, repair, maintain, alter, improve or demolish buildings, structures and other facilities;
- (c) subject to the terms and conditions contained in the land grant, conveyance or lease related to any specified premises-
 - (i) lay out land in the specified premises;
 - (ii) sell, let, sublet or otherwise dispose of land or any facilities in the specified premises on such terms and conditions as the Board considers appropriate; or
 - (iii) prepare, approve or execute plans for the establishment, improvement or development of the specified premises;
- (d) manage any buildings, structures and other facilities (including any land ancillary to them) in specified premises;
- (e) enter into contracts or other agreements;
- (f) with the prior approval of the Secretary, borrow or raise money on such security or other conditions as the Board considers appropriate;
- (g) engage technical, professional or other persons to provide services for the Corporation and determine all matters relating to such engagement;
- (h) determine the services and facilities to be provided by the Corporation and the manner in which such services and facilities are to be provided, operated and managed;
- (i) fix and charge fees for the services and facilities provided by the Corporation, and such fees need not be limited by reference to the costs incurred or likely to be incurred in the provision of such services and facilities;

Powers of the Hong Kong Science and Technology Parks Corporation (cont'd)

- (j) be a member, or otherwise take part in the activities, of any association or other body of persons concerned with any matter related to the purposes of the Corporation;
- (k) organize and hold seminars or exhibitions;
- (l) produce, publish and sell publications and audio-visual materials related to the purposes of the Corporation;
- (m) accept gifts of money or other property of any description upon such terms and conditions (if any) as shall be specified by the donor; but a gift shall not be accepted by the Corporation if any term or condition specified by the donor is inconsistent with the purposes of the Corporation;
- (n) with the prior approval of the Secretary, establish one or more funds which shall be used for the purposes of the Corporation;
- (o) approve the annual budget of the Corporation, which shall include the annual estimate of income and expenditure and a business plan of the Corporation;
- (p) approve the annual report of the Corporation, which shall include a statement of accounts referred to in section 23(2); and
- (q) establish any subsidiary company within the meaning of the Companies Ordinance (Cap 32) the purposes of which are consistent with the purposes of the Corporation.

(3) (a) Moneys may be paid or transferred by the Corporation to the credit of a fund established under subsection (2)(n) only with the prior consent of the Secretary.

(b) The Secretary may give the Corporation directions in writing as regards the management or operation of a fund established under subsection (2)(n) and the Corporation shall give effect to such directions.

Powers of the Hong Kong Science and Technology Parks Corporation (cont'd)

(4) (a) Without prejudice to the generality of subsection (1), the Corporation may, for the purposes of the Corporation, enter into commercial dealings or operations with respect to-

- (i) any service developed in the course of the performance of its functions;
- (ii) any product or by-product resulting from the performance of its functions;
- (iii) any intellectual property resulting from the performance of its functions; and
- (iv) its land or other property.

(b) The Corporation may, for the purposes of exercising its powers under paragraph (a)-

- (i) establish or join in establishing a company, partnership or trust;
- (ii) subscribe for, invest in, or otherwise acquire, or dispose of, shares, units or other interests in a sole proprietorship, company, partnership or trust;
- (iii) enter into any joint venture or arrangement for sharing profits; and
- (iv) manage, or participate in the management of, a sole proprietorship, company, partnership or trust.

Board composition of the Hong Kong Science and Technology Parks Corporation

Relevant legal provisions are as follows:

Schedule 2: Constitution and proceedings of Board

1. Membership of Board

(1) The Board shall consist of the following members-

- (a) the Chairman, who shall be appointed by the Chief Executive; and
- (b) such number, to be determined by the Secretary (but being neither less than 8 nor more than 16), of other members, who shall be appointed by the Secretary.

(2) A member of the Board appointed under subsection (1)(b) may be a public officer.

(3) A member of the Board (not being a public officer)-

- (a) shall be appointed for a term not exceeding 3 years;
- (b) may, upon the expiry of his term of office, be re-appointed;
- (c) shall not be re-appointed if he has been removed from office under subsection (4) or (5);
- (d) may, before the expiry of his term of office, resign his office by notice in writing to-
 - (i) the Chief Executive, if the member is the Chairman; or
 - (ii) the Secretary, if the member is not the Chairman.

(4) The Chief Executive may by notice in writing remove from office the Chairman-

- (a) whom he reasonably believes has failed to perform the duty imposed by section 10 of this Ordinance; or
- (b) who, in the Chief Executive's opinion, has become incapable through ill-health of performing his functions, or has committed misbehaviour, or whose removal from office appears to the Chief Executive to be desirable for the effective performance by the Corporation of its functions.

Board composition of the Hong Kong Science and Technology Parks Corporation (cont'd)

- (5) The Secretary may by notice in writing remove from office a member of the Board appointed by him under subsection (1)(b) (not being a public officer)-
- (a) whom he reasonably believes has failed to perform the duty imposed by section 10 of this Ordinance; or
 - (b) who, in the Secretary's opinion, has become incapable through ill-health of performing his functions, or has committed misbehaviour, or whose removal from office appears to the Secretary to be desirable for the effective performance by the Corporation of its functions.

Section 14: Chief Executive Officer

- (1) The Board shall, subject to the prior approval of the Secretary-
- (a) appoint a person, who may be a public officer, to be the Chief Executive Officer of the Corporation; and
 - (b) determine all matters relating to the terms and conditions of service of the Chief Executive Officer, including his remuneration, suspension and dismissal from office.
- (2) The Chief Executive Officer-
- (a) notwithstanding section 11, is the administrative head of the Corporation and is responsible, subject to the direction of the Board, for administering the affairs of the Corporation; and
 - (b) has, subject to that direction, such other responsibilities as may be assigned by the Board.

Financial arrangements of the Hong Kong Science and Technology Parks Corporation

Relevant legal provisions are as follows:

Section 8: Powers of Corporation

(2)(f) with the prior approval of the Secretary, borrow or raise money on such security or other conditions as the Board considers appropriate;

(2)(n) with the prior approval of the Secretary, establish one or more funds which shall be used for the purposes of the Corporation;

Section 17: Capital of Corporation

(1) Subject to subsection (2), the authorized capital of the Corporation is equal to the value of the net assets in respect of all assets and liabilities vested in the Corporation on the appointed day.

(2) The Secretary may, after consultation with the Corporation, increase the authorized capital of the Corporation by notice published in the Gazette.

(3) A notice under subsection (2) is not subsidiary legislation.

(4) The authorized capital of the Corporation shall be divided into shares of such denomination as the Secretary shall determine.

(5) The Corporation may from time to time issue to the Government such number of shares (in a denomination determined in accordance with subsection (4)) as the Secretary considers appropriate.

(6) The Corporation shall not issue shares otherwise than under this section.

Financial arrangements of the Hong Kong Science and Technology Parks Corporation (cont'd)

Section 18: Dividends

The Corporation may declare and pay into the general revenue dividends on shares issued under section 17(5).

Section 19: Investment

The Corporation may invest money that is not immediately required to be expended in such forms of investment as the Secretary may in writing approve.

Section 20: Payment of certain moneys into general revenue

The Secretary may declare any part of the moneys of the Corporation to be surplus moneys and direct the payment of such surplus moneys into the general revenue.

Section 25: Tax

No tax within the meaning of the Inland Revenue Ordinance (Cap 112) shall be charged on the Corporation.

Accountability arrangements of the Hong Kong Science and Technology Parks Corporation

Relevant legal provisions are as follows:

Section 7: Commercial principles

The Corporation shall conduct its business according to prudent commercial principles.

Section 10: Disclosure of interest

(1) As soon as practicable after appointment to membership, and when occasion requires after the appointment, a member of the Board or a committee shall declare to the Board in such manner as is for the time being determined by the Board (whether by standing orders or otherwise) any interest of his which is of a class or description so determined.

(2) (a) Where a member of the Board or a committee is in any way directly or indirectly interested in a contract made or proposed to be made by the Corporation, or in any other matter whatsoever which is to be considered or determined by the Board or committee (as the case may be), he shall-

(i) disclose to the relevant meeting of the Board or committee (as the case may be) the nature of his interest (and such disclosure shall be recorded in the minutes of the meeting);

(ii) withdraw from the meeting while the matter is being discussed or considered, unless-

(A) if he is not the person presiding at the meeting, he is permitted to take part in such discussion or consideration by the person so presiding; or

(B) if he is the person so presiding, a majority of the other members present at the meeting decide so to permit him;

(iii) not vote, or otherwise act (apart from, where appropriate, acting pursuant to subparagraph (ii)) as a member of the Board or committee (as the case may be) in relation to the matter; and

(iv) neither influence nor seek to influence a decision of the Board or committee (as the case may be) as regards the matter otherwise than in accordance with subparagraph (ii).

Accountability arrangements of the Hong Kong Science and Technology Parks Corporation (cont'd)

(b) Where a disclosure is made under paragraph (a) and the person concerned is not required to withdraw from the relevant meeting, then for so long as the matter to which the disclosure relates is being discussed or otherwise considered at such meeting the presence of the person by whom the disclosure was made shall be disregarded for the purposes of forming a quorum for the meeting.

(c) The validity of any proceeding of the Board or a committee shall not be affected by the failure by a member of the Board or committee to comply with a provision of this section.

(3) The Corporation shall establish and maintain a register ("the register") for the purposes of this section.

(4) Where a person makes a declaration required under subsection (1), the Corporation shall cause the name of the person to be entered in the register together with the particulars contained in the declaration, and if, in accordance with such a requirement, the person subsequently makes any such declaration, the particulars already so entered shall be added to or otherwise amended in such manner as the Corporation considers appropriate.

(5) The Corporation shall make the register available for public inspection at its principal office at any reasonable time.

Section 12: Directions to Corporation

(1) The Chief Executive may, if he considers it to be in the public interest so to do, give the Corporation such general directions in writing as regards the performance of its functions as he considers appropriate.

(2) The Corporation shall give effect to a direction given under subsection (1).

Section 13: Chief Executive may obtain information

The Corporation shall, if required by the Chief Executive, furnish to him such information related to its activities as may be specified by him.

Accountability arrangements of the Hong Kong Science and Technology Parks Corporation (cont'd)

Section 22: Estimates of income and expenditure

- (1) Subject to subsection (2), the Corporation shall, in each financial year, and not later than the date which is for the time being specified for the purposes of this subsection by the Secretary, send to the Secretary estimates of its income and expenditure for the subsequent financial year.
- (2) As regards a particular financial year, the Secretary may, if he thinks fit, extend the period during which estimates are to be sent to him pursuant to subsection (1).
- (3) The Secretary may refuse to accept estimates sent to him pursuant to subsection (1) and where he does so he shall require the Corporation, within such time as shall be specified in the requirement, to send to him revised estimates of the relevant income and expenditure.

Section 23: Annual reports, accounts and audits

- (1) The Corporation shall keep proper accounts and records of all its financial transactions.
- (2) The Corporation shall as soon as practicable after the expiry of a financial year prepare a statement of accounts in respect of the financial year in accordance with generally accepted accounting principles.
- (3) A statement of accounts prepared under subsection (2) shall include a statement of income and expenditure for, a cash flow statement for, and a balance sheet as on the last day of, the financial year to which the statement of accounts relates.
- (4) The Secretary may give to the Corporation a direction in writing requiring it to keep the accounts and records referred to in subsection (1) in a form and in a manner specified in the direction, and in case such a direction is given, the Corporation shall comply with it.
- (5) The Board shall appoint an auditor who shall prepare an auditor's report on a statement of accounts prepared under subsection (2).
- (6) The Corporation shall, within 6 months after the end of a financial year or such longer period as the Secretary may allow, furnish to him-
 - (a) a report on the activities of the Corporation for that financial year;
 - (b) a copy of its statement of accounts prepared under subsection (2) for that financial year; and
 - (c) a copy of the auditor's report prepared under subsection (5) for that financial year.
- (7) In this section "auditor" (核數師) means a certified public accountant (practising) or a corporate practice as defined in the Professional Accountants Ordinance (Cap 50).

Accountability arrangements of the Hong Kong Science and Technology Parks Corporation (cont'd)

Section 24: Reports to be laid on the table of Legislative Council

The Secretary shall cause a copy of each of the documents specified in section 23(6) to be laid on the table of the Legislative Council within the financial year immediately following the one to which the documents are related.

Appendix III

Ocean Park Corporation Ordinance (Cap. 388)

Functions of the Ocean Park Corporation

Relevant legal provisions are as follows:

Section 17: Functions of the Corporation

The functions of the Corporation shall be-

- (a) to manage and control Ocean Park as a public recreational and educational park;
- (b) to provide at Ocean Park recreational and educational facilities and other related facilities as it thinks fit;
- (c) to develop Ocean Park for the purposes of recreation or education generally in such manner as it thinks fit; and
- (d) to apply its profits howsoever derived towards the promotion of its functions specified in paragraphs (a), (b) and (c).

Powers of the Ocean Park Corporation

Relevant legal provisions are as follows:

Section 18: Powers of the Corporation

Subject to this Ordinance, the Corporation may do all such things as are necessary for, or incidental or conducive to, the better performance of its functions and in particular but without prejudice to the generality of the foregoing, may-

- (a) acquire, take on lease, purchase hold and enjoy property, movable or immovable, and sell, let or otherwise dispose of or deal with such property;
- (b) enter into any contract;
- (c) apply for and receive sponsorships, receive gifts, whether on trust or otherwise, and act as trustee of moneys or other property vested in it on trust;
- (d) erect, provide, equip, maintain, alter, remove, demolish, replace, enlarge, improve and keep in repair its buildings, premises, furniture and equipment;
- (e) fix and collect fees, subscriptions and charges and specify conditions for the use of facilities and services provided by it;
- (f) fix charges to be paid for any trading or advertising in Ocean Park; and
- (g) reduce, waive or refund fees, subscriptions or charges fixed in the exercise of its powers under this section generally or in any particular case or class of case.

Board composition of the Ocean Park Corporation

Relevant legal provisions are as follows:

Section 8: Membership of the Board

- (1) The Board shall consist of not less than 7 members appointed by the Chief Executive.
- (2) Without prejudice to section 42 of the Interpretation and General Clauses Ordinance (Cap 1), a member shall hold office for a period of not more than 3 years as the Chief Executive may determine, but may from time to time be re-appointed.
- (3) Any member may at any time by notice in writing to the Chief Executive resign from the Board.

Section 9: Chairman of the Board

- (1) The Chief Executive shall, from among the members, appoint-
 - (a) a Chairman; and
 - (b) a Deputy Chairman, who shall act as the Chairman during the absence or incapacity of the Chairman, or if that office becomes vacant for any reason.
- (2) Without prejudice to section 42 of the Interpretation and General Clauses Ordinance (Cap 1), the Chairman or Deputy Chairman shall hold office for a period of not more than 3 years as the Chief Executive may determine, but may from time to time be re-appointed.
- (3) Where for any reason both the Chairman and the Deputy Chairman are absent from Hong Kong or are, for any other reason, unable to perform the functions of their respective offices, the members may appoint one of their number to act as the Chairman during that absence or incapacity of the Chairman and Deputy Chairman.

Board composition of the Ocean Park Corporation (cont'd)

Section 19: Appointment of Chief Executive of the Corporation and other employees

- (1) The Corporation shall appoint a Chief Executive of the Corporation, who shall be responsible to the Corporation for the day to day management and administration of Ocean Park.
- (2) The Corporation may appoint such other employees as it thinks fit.
- (3) All matters relating to the remuneration, the terms and conditions of appointment, and the work and conduct, of employees, and their suspension or dismissal from office, shall be determined by the Corporation.

Financial arrangements of the Ocean Park Corporation

Relevant legal provisions are as follows:

Section 13: Corporation to replace the company

(1) On and from the commencement of this Ordinance-

(a) all movable or immovable property that, immediately before that commencement, was vested in the company shall vest in the Corporation on the same terms and conditions on which it was so vested in the company;

(b) all moneys and liquidated and unliquidated claims that, immediately before that commencement, were payable to or recoverable by the company shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Corporation;

(c) all proceedings commenced before that commencement by the company and pending immediately before that commencement shall be deemed to be proceedings pending by the Corporation and all proceedings so commenced by any person against the company and pending immediately before that commencement shall be deemed to be proceedings pending by that person against the Corporation;

(d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the company and in force immediately before that commencement shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Corporation;

(e) the Corporation may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of money and claims referred to in this section and for the prosecution of actions and proceedings so referred to as the company might have done but for this Ordinance;

(f) the Corporation may enforce and realize any security or charge existing immediately before that commencement in favour of the company and may exercise any powers thereby conferred on the company as if the security or charge were a security or charge in favour of the Corporation; and

(g) all debts, money and claims, liquidated and unliquidated, that, immediately before the commencement, were due or payable by, or recoverable against, the company shall be debts due by, money payable by and claims recoverable against, the Corporation.

(2) No stamp duty shall be payable in respect of any vesting under this section of movable or immovable property.

Financial arrangements of the Ocean Park Corporation (cont'd)

Section 25: Power to borrow money

The Corporation may, for the promotion of its functions specified in section 17(a), (b) and (c), borrow money and charge all or any part of its property as security therefor, and pay interest on any money so borrowed.

Section 27: Investment of surplus funds

All funds of the Corporation that are not immediately required shall be invested in such investments as the Corporation thinks fit.

Section 30: Establishment of the Fund

- (1) There is hereby established a trust fund to be called the Ocean Park Trust Fund.
- (2) The Corporation shall be the trustee of the Fund and shall administer it in accordance with this Part.
- (3) The Fund shall consist of-
 - (a) such moneys and assets as may be donated, subscribed or bequeathed to, and accepted by, or otherwise acquired by the Corporation for the Fund; and
 - (b) any interest, dividends and income derived from the moneys and other assets of the Fund.

Financial arrangements of the Ocean Park Corporation (cont'd)

Section 31: Application of the Fund

The Corporation shall apply-

- (a) such of the Fund as consists of the moneys and assets referred to in section 30(3)(a) directly or indirectly in such manner as is necessary for-
 - (i) capital expenditure on development projects for Ocean Park; or
 - (ii) the promotion of such other functions specified in section 17(a), (b) or (c) as the Chief Executive in Council may approve; and
- (b) such of the Fund as consists of any interest, dividends and income referred to in section 30(3)(b) directly or indirectly in such manner as is necessary for the promotion of its functions specified in section 17(a), (b) and (c).

Section 32: Investment of moneys

The Corporation may invest any moneys of the Fund in such authorized investment (within the meaning of section 4 of the Trustee Ordinance (Cap 29)) as the Corporation thinks fit.

Accountability arrangements of the Ocean Park Corporation

Relevant legal provisions are as follows:

Section 10: Proceedings of the Board

- (1) At a meeting of the Board a majority of the members for the time being shall form a quorum.
- (2) At a meeting of the Board the Chairman shall preside.
- (3) All questions for determination at a meeting of the Board shall be decided by a majority of votes of the members present and voting thereon and where there is an equality of votes the member presiding shall have a casting vote in addition to his original vote.
- (4) Where a member is in any way directly or indirectly interested in a contract made or proposed to be made by the Corporation-
 - (a) he shall disclose the nature of his interest at a meeting of the Board;
 - (b) the disclosure shall be recorded in the minutes of the Board; and
 - (c) the member shall not take any part in any deliberation of the Board with respect to that contract except with the permission of the Chairman and shall not vote on any question concerning it.
- (5) Subject to this Ordinance, arrangements relating to meetings of the Board, and the procedure at and the conduct of its meetings, shall be such as the Board may determine.

Section 26: Accounts and statements

- (1) The Corporation shall cause proper accounts to be kept of all its financial transactions and shall cause to be prepared for each financial year a statement of the accounts of the Corporation, which statement shall-
 - (a) include-
 - (i) an income and expenditure account and balance sheet; and
 - (ii) the number of attendances at Ocean Park for that year; and
 - (b) be signed by the Chairman.

Accountability arrangements of the Ocean Park Corporation (cont'd)

(2) The accounts of the Corporation and the signed statement of accounts shall be audited by an auditor appointed by the Corporation and the auditor shall certify the statement subject to such report, if any, as he thinks fit.

(3) There shall be laid on the table of the Legislative Council not later than 31 December next following the end of the period in respect of which a statement is required to be prepared under subsection (1) or so soon thereafter as the Chief Executive may allow-

- (a) a copy of the signed and audited statement of accounts together with the auditor's report, if any; and
- (b) a report by the Corporation on its activities during that period.

Section 28: Auditors

Any auditor appointed under section 26(2) shall be entitled at any time-

- (a) to have access to such books of account, vouchers and other records of the Corporation; and
- (b) to require such information and explanation,

as he considers necessary to discharge his functions.

Section 33: Accounts and statements

(1) The Corporation shall cause proper accounts to be kept of all transactions of the Fund and shall cause to be prepared, in respect of the period from the commencement of this Ordinance to 30 June 1987, and thereafter for each financial year, a statement of the accounts of the Fund, which statement shall-

- (a) include an income and expenditure account and balance sheet; and
- (b) be signed by the Chairman.

(2) The accounts of the Fund and the signed statement of the accounts shall be audited by an auditor appointed by the Corporation and the auditor shall certify the statement subject to such report, if any, as he thinks fit.

Accountability arrangements of the Ocean Park Corporation (cont'd)

(3) There shall be laid on the table of the Legislative Council not later than 31 December next following the end of each period in respect of which a statement is required to be prepared under subsection (1) or so soon thereafter as the Chief Executive may allow-

- (a) a copy of the signed and audited statement of accounts together with the auditor's report, if any; and
- (b) a report by the Corporation on the administration of the Fund during that period.

Section 35: Auditors

Any auditor appointed under section 33(2) shall be entitled at any time-

- (a) to have access to such books of account, vouchers and other records of the Fund; and
- (b) to require such information and explanation,

as he considers necessary to discharge his functions.

Section 37: Chief Executive may obtain information

The Corporation shall upon request by the Chief Executive afford to him sufficient facilities for obtaining information with respect to the property and affairs of the Corporation and shall in such manner and at such times as the Chief Executive may require furnish him with returns, accounts and other information with respect thereto and afford to him facilities for the verification of information furnished.

Section 38: Chief Executive may give directions

The Chief Executive may, if he considers the public interest so requires, give directions in writing to the Corporation in relation to the performance of its functions or the exercise of its powers and the Corporation shall comply with those directions.

Appendix IV

Airport Authority Ordinance (Cap. 483)

Functions of the Airport Authority

Relevant legal provisions are as follows:

Section 5: Purposes of Authority

(1) (a) The Authority shall, in accordance with this Ordinance and also in accordance with the objective of maintaining Hong Kong's status as a centre of international and regional aviation, provide, operate (in accordance with any law in that regard which is for the time being in force), develop and maintain, at and in the vicinity of Chek Lap Kok, an airport for civil aviation.

(b) The Authority may provide, at, as regards or in relation to the Airport (or any part thereof), such facilities, amenities or services as are, in its opinion, requisite or expedient.

(2) In addition to performing the functions assigned by subsection (1), the Authority may engage in or carry on any airport-related activity in trade, commerce or industry at or from any 1 or more places in the Leased Area.

(3) (a) In addition to the activities which it may engage in or carry on under subsection (2), the Authority may also engage in or carry on such airport-related activities as the Chief Executive may, after consultation with the Authority, permit or assign to it by order published in the Gazette.

(b) An order under this subsection may-

(i) provide that all or any 1 or more of the activities specified in the order may be engaged in or carried on by the Authority either at or from any place whatever or at or from any place specified in the order;

(ii) contain conditions restricting or otherwise regulating, or otherwise relating to, an activity to which the order relates.

Powers of the Airport Authority

Relevant legal provisions are as follows:

Section 7: General powers etc. of Authority

(1) The Authority shall have power to do anything which is requisite or expedient for, or is calculated to facilitate, or is conducive or incidental to, the performance of any of its functions and which is not inconsistent with any other provision of this Ordinance or any subsidiary legislation thereunder which is for the time being in force.

(2) Without affecting the generality of subsection (1), the Authority may-

- (a) acquire, hold and dispose of all kinds of property including land;
- (b) grant leases of land;
- (c) make a contract or other agreement (including a contract of indemnity and an agreement whereby the Authority guarantees the performance or discharge by another person or persons of an obligation or other liability, whether actual or potential, of that person or those persons);
- (d) charge or otherwise encumber all or any part of its land or other property;
- (e) either solely or jointly with another person or persons improve, develop or alter any land held by it;
- (f) either solely or jointly with another person or persons engage in or carry on any airport-related activity;
- (g) employ an agent or contractor;
- (h) either solely or jointly with another person or persons carry out or execute works;
- (i) subject to section 34 where applicable, determine the amount of charges and fees.

(3) The Authority shall take all reasonable steps to ensure that a subsidiary does not engage in or carry on any activity which the Authority might not itself lawfully engage in or carry on.

Board composition of the Airport Authority

Relevant legal provisions are as follows:

Section 3: The Airport Authority and its constitution; Chairman's functions

(3) (a) The Authority shall consist of a Chairman who shall be a Hong Kong permanent resident within the meaning of the Immigration Ordinance (Cap 115), the Chief Executive Officer who shall be a member ex officio and such number of other members, being neither less than 8 nor more than 15, as shall be determined for the time being by the Chief Executive; provided that the number of members of the Authority who are public officers shall not at any time exceed the number of such members who are not public officers.

(b) Where the number of members of the Authority (other than the Chairman and the Chief Executive Officer) falls below the minimum number required for the time being, the Chief Executive shall make such appointment or appointments as may be necessary to comply with that requirement.

(c) Subject to paragraph (a), the Chairman and the other members of the Authority shall each be appointed by the Chief Executive.

(d) Without affecting the generality of paragraph (c) but subject to paragraph (a), the Chairman and other members of the Authority may be appointed from among persons who appear to the Chief Executive to have had wide experience in air or other forms of transport, industry, or in commercial, financial, consumer or labour matters, or in administration.

Board composition of the Airport Authority (cont'd)

Section 15: Staff of Authority, consultants

(1) (a) The Authority may, with the Chief Executive's prior approval, appoint a person to be the Authority's chief executive officer (the "Chief Executive Officer").

(b) Subject to paragraph (c), the duties of the Chief Executive Officer shall include -

(i) responsibility for the general management and administration of the Authority's affairs; and

(ii) the performance or exercise of such functions or responsibilities (if any) as are for the time being either assigned to him under section 3(6)(b)(ii) or this section or delegated to him under section 9.

(c) The Authority may-

(i) assign to the Chief Executive Officer a specified responsibility;

(ii) direct that a function or a responsibility of the Chief Executive Officer and so specified (in either case) shall be performed or exercised by him only in a manner, or subject to conditions or modifications, so specified;

(iii) direct that a function or responsibility described in subparagraph (ii) and so specified shall not be performed or exercised by the Chief Executive Officer.

(d) An assignment or direction under paragraph (c) shall remain in force for such period as is specified at the time of the assignment or direction or, in case no period is so specified, until it is subsequently annulled by the Authority.

Financial arrangements of the Airport Authority

Relevant legal provisions are as follows:

Section 23: Capital of Authority

- (1) The initial authorized share capital of the Authority is \$36648 million divided into 366480 shares of \$100000 each.
- (2) The Financial Secretary may, after consulting the Authority, increase the capital of the Authority to an amount specified in an order published for the purposes of this subsection in the Gazette.
 - (3) (a) Subject to paragraph (b), the Authority shall issue at par to the Government such number of shares as the Financial Secretary shall from time to time direct.
 - (b) Where the notice referred to in section 24(2)(b) is received by the Authority, the Authority shall issue at par to the Government such number of shares as is appropriate having regard to the amount specified in the notice.
- (4) Where the Authority issues shares in accordance with subsection (3)(b) such issue shall operate to discharge the whole of the indebtedness created by section 24(1).
- (5) The Authority shall not issue shares otherwise than under this section.
- (6) The Legislative Council may, on the recommendation of the Financial Secretary made after he has consulted the Authority, by resolution provide for a reduction of the capital of the Authority in any way to an amount specified in the resolution.
- (7) A resolution made under subsection (6) may provide for matters ancillary to the matter specified in that subsection and, without limiting the generality of the foregoing, may provide—
 - (a) for the distribution to the Government of the amount by which the capital is so reduced, and for the form and manner in which that distribution shall be effected;
 - (b) where a distribution mentioned in paragraph (a) is in the form of non-cash assets, for the substitution of the Government for the Authority in any contract relating to such assets;
 - (c) for the manner in which any amount received by the Government by way of a distribution mentioned in paragraph (a) shall be accounted for in the books of the Government; and
 - (d) for the cancellation of any shares issued under this section.

Financial arrangements of the Airport Authority (cont'd)

Section 24: Initial debt

(1) Subject to section 23(4), the Authority shall be indebted to the Government as regards the aggregate of the items of expenditure each of which is expenditure to which this section applies.

(2) The following provisions shall apply as regards the indebtedness created by subsection (1)-

(a) as regards expenditure to which this section applies the Financial Secretary-

(i) shall ascertain the amount of the expenditure in such manner as he shall consider appropriate; and

(ii) having ascertained the amount of the expenditure, may waive payment by the Authority of the whole or any part of it; and

(b) having complied with the requirement of paragraph (a)(i) and having taken account of such waivers (if any) as have been made under paragraph (a)(ii), the Financial Secretary shall determine the aggregate of the ascertained expenditure and as soon as practicable thereafter shall specify the amount of that aggregate in a notice in writing which he shall cause to be given to the Authority.

(3) When the whole of the indebtedness created by subsection (1) is discharged by virtue of section 23(4), the Financial Secretary shall give to the Authority a written certificate that such indebtedness no longer exists.

(4) This section applies to any expenditure incurred directly or indirectly by the Government on, or in relation to, the Airport, or the Provisional Airport Authority during the period beginning on 1 November 1989, and ending on a day specified in a direction in writing given for the purposes of this subsection by the Financial Secretary.

Section 25: Investment

Funds of the Authority which are available for the time being for investment (otherwise than in the performance of a function conferred on the Authority by or under section 5, 7 or 30) may be invested in such classes or descriptions of investment as the Financial Secretary may in writing specify.

Financial arrangements of the Airport Authority (cont'd)

Section 26: Dividends; profits

- (1) The Authority may declare and pay into the general revenue dividends on shares issued to the Government under section 23(3).
- (2) The Financial Secretary may, after consultation with the Authority and having had regard to the financial position of the Authority and its subsidiaries (if any) and to such other matters as he considers relevant in the circumstances, direct the Authority-
- (a) to declare and pay to the general revenue a dividend of an amount specified by him; and
 - (b) to take such steps as are within the power of the Authority to procure the declaration and payment to the Authority by a subsidiary specified in the direction of a dividend of an amount or rate so specified.
- (3) A direction given by the Financial Secretary under subsection (2) may not require the Authority-
- (a) to declare or pay a dividend otherwise than out of the profits of the Authority which would be available for distribution were the Authority a company; or
 - (b) to procure the declaration and payment of a dividend by a subsidiary otherwise than in accordance with the laws applying to it.
- (4) Where a direction is given under this section, the Authority shall comply with the direction and such a direction may require the moneys payable on account of the relevant dividend to be paid within a period and in a manner so specified in the direction.

Financial arrangements of the Airport Authority (cont'd)

Section 27: Reserve funds

(1) Subject to subsection (2), the Authority may establish and maintain general and special reserve funds and credit thereto such sums as it thinks fit and make such disbursements therefrom as are consistent with this Ordinance.

(2) (a) Where the Authority proposes to establish a general or special reserve fund it shall only do so with the prior approval of the Financial Secretary.

(b) Subject to subsection (3), where the Financial Secretary, after consultation with the Authority and having had regard to the matters he is required to have regard to by section 26(2), so directs, the Authority shall -

(i) carry the whole of the profits to which this subsection applies, or such part thereof as is specified in the direction, to the credit of such special reserve fund as is so specified; or

(ii) pay to the general revenue the whole of any sum, or such part thereof as is so specified, being a sum standing to the credit of the reserve fund referred to in subparagraph (i).

(3) Notwithstanding anything contained in this Ordinance or in any other enactment, at the Authority's request the Financial Secretary may give an undertaking to, or make an agreement with, any person whereby the powers conferred under subsection (2)(b) or either of those powers shall not be exercisable in circumstances specified in the undertaking or agreement.

(4) Subsection (2) applies to profits of the Authority which would be available for distribution were the Authority a company.

Financial arrangements of the Airport Authority (cont'd)

Section 28: Borrowing, etc.

- (1) Subject to subsections (3) and (4), the Authority may, in such manner and on such terms and conditions as it thinks fit, borrow or otherwise raise money (including money in a currency other than the currency of Hong Kong).
- (2) Subject to subsection (4) and to section 23(5), the Authority may create and issue, either in the currency of Hong Kong or in any other currency, bonds, notes or other securities, or negotiable instruments.
- (3) The powers conferred by this section may only be exercised to provide the Authority with such sums or credits as it may require for -
- (a) performing the functions conferred on it by this Ordinance;
 - (b) repaying, or facilitating the repayment of, money previously borrowed or otherwise raised by it and paying any interest on or any premium or other charge or incidental expense arising as regards such money; or
 - (c) paying any money recoverable under section 29(7).
- (4) (a) The Chief Executive may issue a direction in writing given for the purposes of this section and directing the Authority not to borrow any sum (or its equivalent in a currency other than the currency of Hong Kong) which exceeds an amount specified in the direction without the prior written consent of the Financial Secretary.
- (b) For so long as a direction under this subsection is in force the Authority shall comply with it.
- (5) Where a security or a negotiable instrument is created or issued by the Authority or such a security or instrument is transferred or assigned from one person to another, nothing in this or any other Ordinance or law shall be construed as requiring the Authority to supply a certificate or other document, or any other material thing, for such creation, issue, transfer or assignment to be effective.
- (6) In exercising the powers conferred on it by section 7 the Authority may acquire property under an agreement providing for the payment of the whole or part of the purchase price by instalments.

Financial arrangements of the Airport Authority (cont'd)**Section 29: Guarantees etc. by Government**

(1) (a) The Legislative Council or its Finance Committee may from time to time by a resolution ("an authorizing resolution") authorize the Financial Secretary to give, issue or make undertakings, guarantees and other agreements which relate to any or all of the following, namely, the financial affairs of the Authority or a subsidiary and the due discharge or due performance, or the fulfilment, by the Authority or a subsidiary of any liability or obligation of the Authority or a subsidiary.

(b) An authorizing resolution shall continue in being unless and until the Legislative Council or, where appropriate, its Finance Committee resolves that it shall no longer so continue.

(c) Any resolution under this section shall be proposed by the Financial Secretary.

(2) (a) An authorizing resolution may require a particular undertaking, guarantee or other agreement referred to in subsection (1)(a), or any class or description of such undertakings, guarantees or other agreements specified in the resolution, to be given, issued, or made on terms (including terms permitting amendment) or conditions specified in the resolution.

(b) The Interpretation and General Clauses Ordinance (Cap 1) shall, in its application to a resolution under this section, be construed and have effect subject to the provisions of this section.

(3) (a) Where authorized pursuant to subsection (1)(a), the Financial Secretary may (on behalf of the Government) give, issue or make an undertaking, guarantee or other agreement to which an authorizing resolution relates.

(b) An undertaking, guarantee or other agreement referred to in paragraph (a) shall, subject to any requirement made pursuant to subsection (2)(a), contain such terms and conditions as the Financial Secretary thinks fit, and in addition to the foregoing and notwithstanding any inconsistency with this Ordinance or any other law of Hong Kong but subject to paragraph (c), any such undertaking, guarantee or other agreement may contain provisions -

(i) limiting, regulating or otherwise affecting the performance by the Government or any public officer of any function (whether statutory or otherwise) performable by it or him and whether conferred on it or him by this Ordinance or otherwise;

(ii) limiting, regulating or otherwise affecting the exercise of any discretion which is exercisable in relation to a function referred to in subparagraph (i);

(iii) enabling the Financial Secretary (or any other public officer) to do or refrain from doing any act or thing which is specified in the provision and which, were the provision not made, he would be unable to do or, where appropriate, refrain from doing.

(c) Paragraph (b) shall not be construed as enabling an undertaking, guarantee or other agreement to which it applies to contain a provision which either affects any criminal liability (whether extant or not) or in any other manner amends, whether expressly or by implication, the criminal law of Hong Kong.

Financial arrangements of the Airport Authority (cont'd)

(4) Where the Legislative Council or its Finance Committee passes a resolution in exercise of the power conferred on it by subsection (1)(b), such resolution shall neither prejudice the validity of anything done pursuant to or under any undertaking, guarantee or other agreement the giving, issue or making of which was authorized by the relevant authorizing resolution nor shall it otherwise operate to affect in any other manner any undertaking, guarantee or other agreement so authorized and, accordingly, every such undertaking, guarantee or other agreement shall continue to have full force and effect.

(5) Any sum required to fulfil or implement an undertaking, guarantee or other agreement under this section shall be charged on and paid out of the general revenue and any sum received by the Government in repayment of a sum so paid out, or for interest thereon, shall be paid into the general revenue.

(6) Where money in a currency other than the currency of Hong Kong is payable under or pursuant to an undertaking, guarantee or other agreement under this section, the equivalent in the currency of Hong Kong of that money shall be the amount of Hong Kong currency needed for the purchase by or on behalf of the Government of the requisite non-Hong Kong currency.

(7) Where moneys are paid under or pursuant to an undertaking, guarantee or other agreement under this section and are required to be repaid, the Financial Secretary may, to the extent that the following are not provided for in the undertaking, guarantee or other agreement, direct that the moneys shall be repaid at such times and in such instalments as the direction specifies (with, if the Financial Secretary directs, interest thereon at such rate or rates as the direction specifies).

(8) The provisions of this section are in addition to, and are not to be construed as affecting, the provisions of section 30.

(9) Where legal proceedings are instituted on account of an undertaking, guarantee or other agreement given, issued or made pursuant to this section, the Secretary for Justice may be named or joined as a party to the proceedings.

Section 30: Power to hedge, etc.

(1) The Authority may enter into any contract or other agreement, transaction or arrangement in connection with its financial affairs.

(2) Without affecting the generality of subsection (1), a contract or other agreement or a transaction or arrangement referred to in that subsection may have as its object or purpose the elimination, amelioration, alleviation, reduction, counterbalancing, or covering in any other manner or making any other provision regarding, all or any of the consequences arising for the Authority from any 1 or more of the following, namely, the burden of interest, either arising for the Authority on its borrowings or so arising in relation to obtaining goods or services, changes in interest rates or currency values or exchange rates or any financial risk apart from the foregoing to which the Authority is, or may be, exposed.

(3) Any currency to which a contract, or other agreement, or a transaction or arrangement referred to in subsection (1) relates may be a currency other than that of Hong Kong.

Land grants of the Airport Authority

Relevant legal provisions are as follows:

Section 16: The Land Grant

(1) Any provision contained in the Land Grant which restricts or purports to restrict the assignment, parting with possession, subletting, mortgaging or otherwise charging, or other disposal of land by the Authority shall not be changed except with the prior consent of the Financial Secretary.

(2) "The Land Grant" (批地文件) means-

(a) an Agreement and Conditions of Grant made by the Director of Lands which specifies an area of land at or in the vicinity of Chek Lap Kok which it is thereby agreed will be leased to the Authority;

(b) any contract between such director and the Authority which provides that such an agreement will be made,

and the expression shall be construed as including a reference to the legal estate created by virtue of section 14 of the Conveyancing and Property Ordinance (Cap 219) in the land to which such an agreement relates.

Accountability arrangements of the Airport Authority

Relevant legal provisions are as follows:

Section 6: Commercial principles; operational objectives

(1) Subject to the other provisions of this Ordinance, the Authority shall conduct its business according to prudent commercial principles and shall, as far as practicable, ensure that, taking one year with another, its revenue is at least sufficient to meet its expenditure.

(2) The Authority shall, in conducting its business or in otherwise performing its functions, have regard to safety, security, economy and operational efficiency and the safe and efficient movement of aircraft, air passengers and air cargo.

Section 13: Disclosure of interest etc.

(1) (a) As soon as practicable after appointment to membership or as and when occasion may thereafter require, a member of the Authority (including the Chairman and the Chief Executive Officer) shall declare to the Authority in such manner as is for the time being determined by the Authority (whether by standing orders or otherwise) any interest of his which is of a class or description so determined.

(b) The Authority shall establish and maintain a register ("the register") for the purposes of this subsection.

(c) Where a member of the Authority makes a declaration required by this subsection, the Authority shall cause the name of the member to be entered in the register together with the particulars contained in the declaration, and if, in accordance with such a requirement, the member subsequently makes any such declaration, the particulars already so entered shall be added to or otherwise amended in such manner as the Authority considers appropriate.

(d) The Authority shall make the register available for public inspection at any reasonable time.

Accountability arrangements of the Airport Authority (cont'd)

(2) A member of the Authority (including the Chairman and the Chief Executive Officer) who is in any way directly or indirectly interested in a contract made or proposed to be made by the Authority, or in any other matter whatsoever which is to be considered, decided or determined by the Board, shall comply with the following requirements-

- (a) he shall (if present) disclose to the relevant meeting of the Board the nature of his interest (and such disclosure shall be recorded in the minutes of the meeting); and
- (b) he shall withdraw from the meeting while the matter is being discussed or considered unless-
 - (i) if he is not the person presiding at such meeting of the Board, he is permitted to take part in such discussion or consideration by the person so presiding; or
 - (ii) if he is the person so presiding, a majority of the other members present at the meeting decide so to permit him; and
- (c) he shall not vote or otherwise act as a member of the Board in relation to the matter unless so permitted; and
- (d) he shall neither influence nor seek to influence a decision of the Board as regards the matter otherwise than with the Chairman's prior approval or in accordance with paragraph (b).

(3) Where a disclosure is made under subsection (2) and the person concerned is neither required to withdraw from the relevant meeting nor permitted to vote, then for so long as the matter to which the disclosure relates is being discussed or otherwise considered at such meeting the presence of the person by whom the disclosure was made shall be disregarded for the purposes of forming a quorum for the meeting.

(4) The validity of any proceeding of the Authority shall not be affected by the failure by a member of the Authority to comply with a provision of this section.

(5) The Authority shall prepare a code of practice to be observed as regards the disclosure of interests by persons to whom delegations are made under section 9 (or in case such a delegation is made to a body of persons, by members of that body).

Accountability arrangements of the Airport Authority (cont'd)

Section 14: The Public Interest

Where at a meeting of the Board a member who is a public officer and is present considers that any matter whatsoever which is to be or is being considered, decided or determined by the Authority, is or could be contrary to, or otherwise raises or puts in issue, or could so raise or put in issue, the public interest as perceived by him, the following shall apply-

- (a) he shall state to the meeting his opinion regarding the relation between the public interest (as so perceived) and the matter, and, where appropriate, he shall also state how, in his opinion, an actual or potential conflict with that interest (as so perceived) arises or could arise; and
- (b) for the avoidance of doubt it is hereby declared that unless he has made a declaration or disclosure under section 13 which is relevant to the matter, paragraphs (b), (c) and (d) of section 13(2) shall not apply as regards the matter.

Section 19: Chief Executive may obtain information

- (1) The Authority shall supply the Chief Executive with such information relating to any of the Authority's property or affairs as he may from time to time require.
- (2) The powers conferred on the Chief Executive by subsection (1) shall include power to require information to be supplied to him from time to time at such interval as shall be specified in the requirement and in case the Chief Executive so requires the requirement shall remain in force until it is withdrawn.

Accountability arrangements of the Airport Authority (cont'd)**Section 20: Directions by Chief Executive in Council**

- (1) (a) Notwithstanding section 6 and subject to subsection (3), the Chief Executive in Council may, if he considers the public interest so requires, give to the Authority such directions (in writing) as regards the performance of any of its functions as he considers appropriate; provided that such a direction shall not require the Authority to do, or omit to do, anything which would be wholly or partly inconsistent with any provision of this Ordinance other than section 6.
- (b) The Authority shall, as soon as practicable, comply with any direction under this section.
- (c) A direction under this section shall remain in force until it is withdrawn by the Chief Executive in Council.
- (2) (a) Subject to paragraph (b), where compliance with a direction under this section results, or will result, in the Authority's being -
- (i) unable to discharge (either wholly or partly) its duty to conduct its business according to prudent commercial principles; and
- (ii) unable to pay (either wholly or partly) a debt or otherwise being unable to discharge (either wholly or partly) any other of its legal obligations,
- then subject to subsection (3), the Government shall pay to the Authority an amount equal to such expenditure (including any loss) as has been reasonably incurred by the Authority by reason of such compliance and inability.
- (b) Where a direction under this section is given to the Authority (either wholly or partly) for the purpose of ensuring compliance with an international obligation, no amount shall be payable by the Government to the Authority in respect of any expenditure (including any loss) incurred by the Authority by reason of such compliance.
- (c) Where a direction under this section states that it is given (either wholly or partly, as may be appropriate) for the purpose of ensuring compliance with an international obligation, the direction shall for all purposes be taken to have been so given.
- (d) Any sum which is payable to the Authority by virtue of this section shall be charged on the general revenue and be paid out of that revenue to the Authority by the Director of Accounting Services.
- (3) (a) The decision to make an application for compensation under this section shall be made by, and only by, the Board.
- (b) Where an application referred to in paragraph (a) is made, the Authority shall give to the Financial Secretary such relevant information or other relevant particulars as he may require.

Accountability arrangements of the Airport Authority (cont'd)

(4) Nothing in this section shall be construed as enabling the Chief Executive in Council to give a direction under this section as regards any matter in relation to which the Director may exercise a power conferred by section 21 or as regards which the Chief Executive in Council has power under section 34.

Section 31: Audit Committee

(1) There is hereby established a committee to be known as the Airport Authority Audit Committee.

(2) (a) The Audit Committee shall consist of such number of members, not being less than 3, as the Authority shall determine.

(b) The members of the Audit Committee shall be appointed by the Authority but neither the Chief Executive Officer nor any other employee of the Authority shall be so appointed.

(c) The chairman of the Audit Committee shall be appointed by, and shall be a member of, the Authority.

(d) The term of office of a member of the Audit Committee (including its chairman) shall be fixed by the Authority at the time of his appointment.

(3) The Audit Committee shall hold so many meetings as are required to enable it to perform its functions.

(4) The functions of the Audit Committee are-

(a) to consider such matters relating either to the financial affairs of the Authority or to audits generally under section 32(3) or a particular such audit, as the Audit Committee considers necessary or desirable;

(b) to consider any matter (whether financial or otherwise, including audits under section 32(3) or a particular such audit) referred to it by the Authority for consideration; and

(c) such other functions (if any) as are delegated to it under section 9.

(5) The Audit Committee may regulate its own procedure and business.

Accountability arrangements of the Airport Authority (cont'd)**Section 32: Accounts and audits; Authority's report**

- (1) (a) The Authority shall keep proper accounts and records of its transactions and shall within 4 months after the expiry of a particular financial year, or such longer period as the Financial Secretary may allow, prepare a statement of accounts.
- (b) A statement of accounts referred to in paragraph (a) shall include a profit and loss account for the financial year to which it relates, a cash flow statement as regards that financial year and also a balance sheet as on the last day of that financial year.
- (c) Where, as regards a particular financial year, there are for the time being 1 or more subsidiaries, a statement of accounts prepared pursuant to paragraph (a) shall include group accounts relating to the Authority and that or those subsidiaries.
- (2) A statement of accounts referred to in subsection (1)(a) shall give a true and fair view of each of the following, namely, the state of affairs of the Authority as at the end of the financial year to which the statement relates, its profit or loss and its cash flows for that financial year.
- (3) A statement of accounts referred to in subsection (1)(a) shall be audited by an auditor who shall make a written report thereon to the Authority.
- (4) (a) Subject to paragraph (b), the auditor by whom an audit required by subsection (3) is to be carried out shall be appointed by the Authority and any such appointment shall be subject to the Chief Executive's approval.
- (b) A person appointed under paragraph (a) shall not be-
- (i) a member or employee of the Authority;
 - (ii) a member of the Audit Committee;
 - (iii) a partnership of which any of the partners is either such a member or such an employee; or
 - (iv) a company of which any of the directors is either such a member or such an employee.
- (c) The reference in paragraph (b) to a person shall not be construed as referring only to an individual.
- (d) Nothing in this subsection shall be construed as affecting section 29(2) of the Professional Accountants Ordinance (Cap 50).
- (5) The Authority shall within 2 months of the receipt by it of the auditor's report in respect of its accounts for a particular financial year, or such longer period as the Financial Secretary may allow, furnish to the Financial Secretary-
- (a) a report on the affairs of the Authority for that year;
 - (b) a copy of its statement of accounts for that year; and
 - (c) a copy of the auditor's report for that year,
- and the Financial Secretary shall cause copies thereof to be laid on the table of the Legislative Council.

Accountability arrangements of the Airport Authority (cont'd)

(6) As regards each subsidiary, the Authority shall, as soon as practicable, send to the Financial Secretary a copy of the report on the subsidiary's affairs and its audited statement of accounts (whether so called or not) for each of its financial years.

(7) Nothing in this section shall be construed as affecting section 15 of the Audit Ordinance (Cap 122).

Section 33: Estimates etc.

For the purposes of record, the Authority shall before the end of each financial year, send to the Financial Secretary-

- (a) an estimate of its expenditure and revenue for the next financial year together with its business plan for the period of 5 years beginning on the first day of the next financial year; and
- (b) its financial plan for the period of 5 years beginning on the first day of the next financial year covering in relation to that period its investments, its business forecast, its criteria of charges and its staffing.

Appendix V

Urban Renewal Authority Ordinance (Cap. 563)

Functions of the Urban Renewal Authority

Relevant legal provisions are as follows:

Section 5: Purposes of Authority

The purposes of the Authority are to-

- (a) replace the Land Development Corporation as the body corporate established by statute having the responsibility of improving the standard of housing and the built environment of Hong Kong by undertaking, encouraging, promoting and facilitating urban renewal;
- (b) improve the standard of housing and the built environment of Hong Kong and the layout of built-up areas by replacing old and dilapidated areas with new development which is properly planned and, where appropriate, provided with adequate transport and other infrastructure and community facilities;
- (c) achieve better utilization of land in the dilapidated areas of the built environment of Hong Kong and to make land available to meet various development needs;
- (d) prevent the decay of the built environment of Hong Kong by promoting the maintenance and improvement of individual buildings as regards their structural stability, integrity of external finishes and fire safety as well as the improvement of the physical appearance and conditions of that built environment;
- (e) preserve buildings, sites and structures of historical, cultural or architectural interest; and
- (f) engage in such other activities, and to perform such other duties, as the Chief Executive may, after consultation with the Authority, permit or assign to it by order published in the Gazette.

Powers of the Urban Renewal Authority

Relevant legal provisions are as follows:

Section 6: General power of Authority

(1) The Authority shall have power to do anything which is expedient for or conducive or incidental to the attainment of the purposes declared in or permitted or assigned under section 5 and shall exercise that power so as to improve the standard of housing and the built environment of Hong Kong.

(2) Without prejudice to the generality of subsection (1), the Authority shall have power to and may-

- (a) enter into contracts, including employment contracts, or other agreements with any person;
- (b) prepare draft corporate plans and draft business plans for the operation of the Authority;
- (c) lease, purchase or otherwise acquire and hold land of any description in Hong Kong for the purpose of either undertaking development, providing accommodation for the Authority, or for providing residential accommodation for persons displaced by the carrying out of the purposes of the Authority;
- (d) implement projects by way of-
 - (i) a development scheme under section 25;
 - (ii) a development project under section 26;
 - (iii) the continuation and completion of a development proposal under section 36(4);
 - (iv) the continuation and completion of a development scheme under section 36(7);
- (e) alter, construct, demolish, maintain, repair, preserve or restore any building, premises or structure ancillary thereto;
- (f) provide and where appropriate alter, maintain or repair roads, footways, parks, recreational facilities and similar open spaces, bridges, drains, sewers and water courses other than those the maintenance of which the Government or other public body has undertaken or decides to undertake;
- (g) manage any building, premises, or structures which it has leased, purchased, acquired or otherwise holds and any common parts thereof including any land ancillary thereto, having regard to the interests, welfare and comfort of the tenants, owners or occupiers thereof and may charge fees for its services in connection with such management;
- (h) manage any roads, footways, parks, car parks, parking spaces, recreational facilities and similar open spaces, bridges, drains, sewers and water courses and other transport and recreational facilities owned or held by the Authority and may charge fees for the provision of such services;

Powers of the Urban Renewal Authority (cont'd)

- (i) set aside as use for car parks any land held by the Authority, designate parking spaces, control the use of car parks and parking spaces and may allocate any place in a car park or parking place for the use of vehicles of any description or any particular type or class or for the use of any person or persons or any particular class;
- (j) provide fixtures, fittings or furniture in buildings acquired by or under the control of the Authority and may let, lend, hire or otherwise dispose of such fixtures, fittings or furniture on such terms and conditions as to payment or otherwise as the Authority may think fit;
- (k) subject to section 30, grant, sell, convey, assign, surrender, yield up, demise, let, license, transfer or otherwise dispose of any land or building, messuages, tenements, vessels, goods and chattels for the time being owned or held by the Authority on such terms and conditions as the Authority thinks fit;
- (l) enter into agreements with any person for the management by such person of any land owned or held by the Authority;
- (m) conduct any survey and census as it thinks fit for the purpose of drawing up any plans and for the purposes of ascertaining a rehousing commitment resulting from any project of the Authority;
- (n) surrender any lease or apply for and agree to the modification of lease conditions or enter into any exchange;
- (o) undertake and execute any trust which has for its object the furtherance of urban renewal or any other object similar or incidental to any of the purposes of the Authority;
- (p) accept gifts and donations, whether of property or otherwise and whether subject to any trust or not;
- (q) appoint such employees as it may determine on such terms and conditions as the Authority thinks fit including the payment of allowances, benefits and remuneration;
- (r) make or provide ex gratia payments to any employee, or to the personal representative of a deceased employee or to any other person who was dependent on such employee at his death;
- (s) establish any body corporate for the purpose of doing all such things which the Authority may do and may vest in any such body corporate so established such objects and powers as in the opinion of the Authority are calculated to facilitate the attainment of the purposes of the Authority under this Ordinance;
- (t) exercise any of its powers either alone or in association with any other person or persons.

Board composition of the Urban Renewal Authority

Relevant legal provisions are as follows:

Section 4: Establishment of Board of Authority

- (1) There shall be established a Board to be named the Board of the Urban Renewal Authority comprised of the following members-
 - (a) a Chairman of the Board of the Authority ("the Chairman"), who is at the same time a non-executive director and is not a public officer;
 - (b) a Managing Director of the Authority ("the Managing Director"), who is at the same time an executive director and is not a public officer;
 - (c) 2 other executive directors, not being public officers;
 - (d) not less than 7 other non-executive directors, not being public officers; and
 - (e) 4 other non-executive directors who are public officers.
- (2) All members of the Board of the Authority, including the Chairman, shall be appointed by the Chief Executive for a term not exceeding 3 years.
- (3) The Managing Director is, by virtue of holding that office, the Deputy Chairman of the Board of the Authority.
- (4) The Board of the Authority shall be the governing and executive body of the Authority and as such shall, in the name of the Authority, exercise and perform the powers and duties as are conferred and imposed on the Authority by, or by virtue of, this Ordinance.
- (5) The Managing Director is the administrative head of the Authority. Together with the other executive directors, the Managing Director is responsible, subject to the direction of the Board of the Authority, for administering the affairs of the Authority and, subject to that direction, has such other responsibilities as may be assigned by the Board of the Authority.
- (6) The Schedule shall have effect with respect to the Board of the Authority and its members.

Financial arrangements of the Urban Renewal Authority

Relevant legal provisions are as follows:

Section 10: Resources of Authority

- (1) The resources of the Authority shall consist of-
 - (a) all money paid by the Government to the Authority and appropriated for that purpose by the Legislative Council;
 - (b) all other money and property, including fees, rent, interest and accumulations of income received by the Authority for its purposes.
- (2) All money paid to or received by the Authority shall be deposited with banks licensed by the Hong Kong Monetary Authority.
- (3) The Secretary for Financial Services and the Treasury may give directions in writing of a general or specific character to the Authority in relation to the amount of money which may be expended by the Authority in any financial year and the Authority shall comply with those directions.
- (4) The Authority shall exercise due care and diligence in the handling of its finances.

Section 11: Borrowing powers

- (1) The Authority may borrow from the Government, such money as may be required for the performance of the duties of the Authority under this Ordinance, on such terms and conditions as may be approved by the Financial Secretary.
- (2) Subject to subsection (3), the Authority may borrow by way of overdraft from sources other than the Government such money as it may require for meeting its obligations or performing its duties under this Ordinance.
- (3) The Secretary for Financial Services and the Treasury may give directions in writing of a general or specific character to the Authority in relation to the amount of money which may be borrowed under subsection (2) and the Authority shall comply with those directions.
- (4) The Authority may with the approval of the Financial Secretary borrow, otherwise than by way of overdraft from sources other than the Government, such money as it may require for meeting its obligations or performing its duties under this Ordinance.
- (5) A person lending money to the Authority shall not be concerned to inquire whether the borrowing of the money by the Authority is legal or regular or whether the money lent has been properly applied by the Authority and shall not be prejudiced by any illegality or irregularity or by misapplication or non-application by the Authority of the money.
- (6) The Authority may with the approval of the Financial Secretary charge all or any part of its property as security for the repayment of money borrowed.

Financial arrangements of the Urban Renewal Authority (cont'd)

Section 12: Power to lend money

- (1) Subject to subsection (2), the Authority may lend money on such terms and conditions as the Authority thinks fit to any person or persons for the purposes of implementing a project of the Authority.
- (2) The Authority, when exercising the power under subsection (1), shall consider-
- (a) the needs of those persons who will be displaced by the implementation of a project for residential accommodation in the same locality; and
 - (b) where there is a business which will be displaced by the implementation of a project, the needs of those persons to operate the business as a going concern.
- (3) The Secretary for Financial Services and the Treasury may give directions in writing of a general or specific character to the Authority in relation to the amount of money which may be lent under subsection (1) and the Authority shall comply with those directions.

Section 13: Guarantee by Government

- (1) The Legislative Council may from time to time by resolution authorize the Financial Secretary on behalf of the Government to grant guarantees in respect of-
- (a) the repayment of loans made to, or the discharge of other indebtedness of, the Authority and the payment of interest, premium or other charge thereon; and
 - (b) the redemption or repayment of, and the payment of interest, premium or other charge on, any bonds, notes or other securities issued by the Authority,
- up to an amount not exceeding in total that specified in the resolution and subject to any terms or conditions specified therein.
- (2) A guarantee granted under subsection (1) which includes interest, amounts payable in consequence of the operation of any price variation clause, premium or other charges, shall not be invalid by reason only of the fact that such interest, amounts, premiums or charges, although specified in the resolution authorizing the granting of the guarantee, are not quantified as to total amount or included in the amount quantified in such resolution.

Financial arrangements of the Urban Renewal Authority (cont'd)

(3) Any sum required for fulfilling a guarantee granted under subsection (1) by the Government shall be charged on and paid out of the general revenue and any sum received by the Government by way of repayment of a sum so paid out, or for interest thereon, shall be paid into the general revenue.

(4) If, pursuant to a guarantee granted under subsection (1), the Government makes a payment to a creditor of the Authority in respect of a debt secured by a mortgage or a specific or floating charge, such sum shall be repayable to the Government by the Authority, together with interest thereon at such rate as the Financial Secretary may determine, and the Government shall as from the time of payment have the benefit of all the remedies vested in the creditor by virtue of such mortgage or charge with liberty to exercise the rights and powers arising thereunder in its own name and without any assignment by the creditor.

Section 14: Use of surplus funds

(1) The Authority may invest money that in any financial year is not immediately required to be expended in such forms of investment as the Financial Secretary may approve.

(2) If in any financial year there is an excess of revenue of the Authority over the total sum required by it to be expended-

(a) to meet the total outgoings of the Authority properly chargeable to revenue; and

(b) to enable the Authority to-

(i) make such allocations to reserve as it may reasonably consider adequate;

(ii) pay any moneys owing by it, whether or not payment is legally due at the time,

the Financial Secretary may, after consultation with the Authority, give the Authority directions requiring it to pay the whole or part of the excess to the Government and the Authority shall comply with those directions.

(3) Subject to any directions given under subsection (2), the Authority may deal with any such excess as is mentioned in that subsection-

(a) by applying it for such of the purposes of the Authority as the Authority may determine; or

(b) by allocating it to reserve, whether generally or for a particular purpose,

or partly in one of those ways and partly in another.

(4) Any sum received by the Government under subsection (2) shall be paid into the general revenue.

Financial arrangements of the Urban Renewal Authority (cont'd)

Section 15: Debt of Authority

(1) The Authority shall be indebted to the Government in a sum equal to-

(a) all money received by the Authority under section 10(1)(a);

(b) all expenditure directly or indirectly incurred by the Government for the benefit of the Authority.

(2) The Financial Secretary shall determine the amount of such indebtedness and any interest thereon by certificate under his hand and may for sufficient cause reduce or increase any amount so certified.

(3) The indebtedness of the Authority under subsections (1) and (2) and any interest thereon shall be discharged in such manner as the Financial Secretary directs.

Section 19: Exemption from taxation

The Authority shall be exempt from taxation under the Inland Revenue Ordinance (Cap 112).

Accountability arrangements of the Urban Renewal Authority

Relevant legal provisions are as follows:

Section 7: Members to declare interests

(1) As soon as is practicable after appointment to membership or as and when the occasion may thereafter require, a member of the Board of the Authority, including the Chairman and the Managing Director, shall declare to the Authority in such manner as is for the time being determined by the Authority, whether by standing orders or otherwise, any interest of his which is of a class or description so determined.

(2) The Authority shall establish and maintain a register ("the register") for the purposes of this section.

(3) Where a member of the Board of the Authority makes a declaration required under subsection (1), the Authority shall cause the name of the member to be entered in the register together with the particulars contained in the declaration, and if, in accordance with such a requirement, a member subsequently makes any such declaration, the particulars already so entered shall be added to or otherwise amended in such manner as the Authority considers appropriate.

(4) The Authority shall make the register available for public inspection at its principal office at any reasonable time.

(5) A member of the Board of the Authority, including the Chairman and the Managing Director, who is in any way directly or indirectly interested in a contract made or proposed to be made by the Authority, or in a contract made or proposed to be made by a servant or an agent or a partner of the Authority, or, by a body corporate established by the Authority which is brought up for consideration by the Board, shall disclose the nature of his interest at a meeting of the Board; and the disclosure shall be recorded in the minutes of the meeting of the Board, and the member shall not without the permission of the Chairman, and in the case of the Chairman, the permission of the majority of the members present at the meeting, take any part in any deliberation of the Board with respect to that contract and shall not in any event vote on any question concerning it.

(6) Where a disclosure is made under subsection (5) and the person concerned is not required to withdraw from the relevant meeting, then for so long as the matter to which the disclosure relates is being discussed or otherwise considered at such meeting, the presence of the person by whom the disclosure was made shall be disregarded for the purposes of forming a quorum for the meeting.

(7) The validity of any proceedings of the Authority shall not be affected by the failure by a member of the Board of the Authority to comply with this section.

(8) A member of the Board of the Authority need not attend in person at the meeting of the Authority in order to make a disclosure which he is required to make under subsection (5) if he takes reasonable steps to secure that the disclosure is made by a notice in writing which is brought up and read at the meeting.

Accountability arrangements of the Urban Renewal Authority (cont'd)

Section 8: Duty of public officer to state public interest

Where at a meeting of the Board a member who is a public officer and is present considers that any matter whatsoever which is to be or is being considered, decided or determined by the Authority, is or could be contrary to, or otherwise raises or puts in issue, or could so raise or put in issue, the public interest as perceived by him, the following shall apply-

- (a) he shall state to the meeting his opinion regarding the relation between the public interest, as so perceived, and the matter, and, where appropriate, he shall also state how, in his opinion, an actual or potential conflict with that interest, as so perceived, arises or could arise; and
- (b) unless he has made a declaration or disclosure under section 7(1) or (5) which is relevant to the matter, section 7(5) shall not apply as regards the matter.

Section 9: Answer to Legislative Council

The committees and subcommittees of the Legislative Council may request the Chairman and the executive directors to attend its meetings and they shall comply. The Chairman and the executive directors shall answer questions raised by the Members of the Legislative Council at the meetings.

Accountability arrangements of the Urban Renewal Authority (cont'd)

Section 16: Authority to keep proper accounting records and to prepare financial statements

- (1) The Authority shall keep such accounting records as correctly explain its financial transactions and financial position and so that-
 - (a) true and fair financial statements can be prepared from time to time; and
 - (b) those statements can be conveniently and properly audited in accordance with section 18.
- (2) The Authority shall ensure that the following financial statements are prepared as soon as practicable and in any case not later than 3 months after the end of each financial year-
 - (a) an income and expenditure account that gives a true and fair view of the Authority's income and expenditure for that year;
 - (b) a balance sheet as at the end of that year that gives a true and fair view of the Authority's financial position as at the end of that year.
- (3) The Authority shall ensure that the financial statements comply with any accounting standards notified to the Authority in writing by the Financial Secretary.

Section 17: Authority to appoint auditor

- (1) The Authority shall appoint an auditor to audit the accounts of the Authority.
- (2) As soon as practicable after a vacancy occurs in the office of auditor, the Authority shall appoint another auditor to fill the vacancy.

Accountability arrangements of the Urban Renewal Authority (cont'd)

Section 18: Authority's financial statements to be audited

- (1) Not later than 3 months after the end of each financial year, the Authority shall submit the financial statements prepared for that year to the Authority's auditor for auditing.
- (2) As soon as practicable after receiving the financial statements submitted by the Authority, the Authority's auditor shall audit those statements and prepare an auditor's report on audit of those statements.
- (3) The auditor's report shall state whether or not the financial statements are, in the opinion of the Authority's auditor, properly drawn up so as to give a true and fair view of the matters referred to in section 16(2) and in compliance with the accounting standards, if any, notified under section 16(3) and, if not, the reasons for that opinion.
- (4) The Authority's auditor is entitled-
- (a) to have access at all reasonable times to the Authority's accounting records; and
 - (b) to require the Managing Director, the executive directors and any member of the staff of the Authority to provide the auditor with such explanations and information as the auditor considers necessary for the purpose of conducting the audit.
- (5) As soon as practicable after completing the audit and preparing the auditor's report, the Authority's auditor shall-
- (a) attach the report to, or endorse the report on, the financial statements that were audited; and
 - (b) deliver those statements and the report to the Authority.
- (6) The Authority shall, as soon as practicable and in any case not later than 6 months after the end of each financial year, furnish-
- (a) a report of the affairs of the Authority for that year;
 - (b) a copy of the audited financial statements thereof; and
 - (c) the auditor's report on audit of those statements,
- to the Financial Secretary who shall cause the same to be tabled in the Legislative Council.

Accountability arrangements of the Urban Renewal Authority (cont'd)**Section 21: Corporate plan**

(1) The Authority shall not later than 3 months before the end of each financial year submit to the Financial Secretary for approval a draft corporate plan for a period of 5 years beginning on the first day of the next financial year covering in relation to that period-

(a) its programme of proposals to be implemented including commencement dates of implementation, and for each proposal, whether it is to be implemented by way of a development scheme under section 25 or by way of a development project under section 26;

(b) its programme of implementation for development proposals and development schemes of the description mentioned in section 6(2)(d)(iii) and (iv), including commencement dates and for each project, whether it is to be implemented by way of a development scheme under section 13(1) of the repealed Ordinance or by way of a development proposal under section 5(2)(b) of the repealed Ordinance;

(c) its financial plan to achieve the programme mentioned in paragraph (a), including-

(i) the projected income and expenditure for-

(A) the projects that have already commenced;

(B) the proposals to be commenced during that period;

(C) the development proposals and development schemes of the description mentioned in section 6(2)(d)(iii) and (iv) that have already commenced;

(D) the development proposals and development schemes of the description mentioned in section 6(2)(d)(iii) and (iv) to be commenced during that period;

(ii) the amount of any money required to be borrowed from the Government or from sources other than the Government for financing the implementation of the proposals and projects that have already commenced or are to be commenced before the end of the financial year and the repayment schedule for any such loan; and

(iii) the staffing requirements of the Authority to implement such programme.

Accountability arrangements of the Urban Renewal Authority (cont'd)

- (2) The Authority shall submit its first draft corporate plan to the Financial Secretary for approval as soon as is practicable after the Authority is established.
- (3) The Authority, when preparing its programme of proposals and its programme of implementation for projects-
 - (a) shall follow any guidelines set out in an urban renewal strategy prepared under section 20(1) in relation to the implementation of those proposals and projects;
 - (b) shall, as far as is practicable, include proposals of projects of the description mentioned in section 6(2)(d) to the extent as may be set out in such an urban renewal strategy;
 - (c) may suggest, for the approval of the Financial Secretary, for inclusion in its corporate plan any other proposal or the implementation of any other project as it thinks fit.
- (4) Upon submission of a draft corporate plan the Financial Secretary may-
 - (a) approve it; or
 - (b) refuse to approve it.

Accountability arrangements of the Urban Renewal Authority (cont'd)**Section 22: Business plan**

(1) At the same time as the submission of the draft corporate plan mentioned in section 21(1), the Authority shall submit to the Financial Secretary for approval a draft business plan for the next financial year covering in relation to that financial year-

- (a) its programme of proposals to be implemented including commencement dates of implementation, and for each proposal, whether it is to be implemented by way of a development scheme under section 25 or by way of a development project under section 26;
- (b) its programme of implementation for development proposals and development schemes of the description mentioned in section 6(2)(d)(iii) and (iv), including commencement dates and for each project, whether it is to be implemented by way of a development scheme under section 13(1) of the repealed Ordinance or by way of a development proposal under section 5(2)(b) of the repealed Ordinance;
- (c) the resources required to implement-
 - (i) the projects that have already commenced;
 - (ii) the proposals to be commenced in the next financial year;
 - (iii) the development proposals and development schemes of the description mentioned in section 6(2)(d)(iii) and (iv) that have already commenced;
 - (iv) the development proposals and development schemes of the description mentioned in section 6(2)(d)(iii) and (iv) to be commenced in the next financial year;
- (d) the estimated revenue and expenditure of the Authority;
- (e) the amount of any money required to be borrowed from the Government or from sources other than the Government for financing the implementation of the proposals and projects that have already commenced or are to be commenced before the end of the financial year and the repayment schedule for any such loan; and
- (f) an estimate of the number of residential accommodations that need to be made available to receive persons who will be displaced by the proposals and projects.

(2) The Authority shall submit its first draft business plan to the Financial Secretary for approval as soon as is practicable after the Authority is established.

(3) The Authority shall not implement any proposal not included in or covered by the corporate plan or the business plan, whether it is to be implemented by way of a development scheme under section 25 or by way of a development project under section 26, except with the prior approval of the Financial Secretary.

Accountability arrangements of the Urban Renewal Authority (cont'd)

(4) The Authority shall not implement any development proposal or development scheme of the description mentioned in section 6(2)(d)(iii) and (iv) not included in or covered by the corporate plan or the business plan, whether it is to be implemented by way of a development scheme under section 13(1) of the repealed Ordinance or by way of a development proposal under section 5(2)(b) of the repealed Ordinance, except with the prior approval of the Financial Secretary.

(5) Upon submission of a draft business plan the Financial Secretary may-

- (a) approve it; or
- (b) refuse to approve it.

Section 23: Publication of project

(1) For the purpose of the implementation of a project, the Authority shall publish in each issue of the Gazette within the space of a period of 2 months ("the publication period"), and once a week during the publication period in a Chinese language and an English language local newspaper, notice of the commencement date of the implementation of the project, together with a summary of the information of the description mentioned in subsection (3)(a) and the times and places where information on the project shall be exhibited and be available for public inspection.

(2) The commencement date of the implementation of the project shall be the date on which notice of the project is first published in the Gazette.

(3) The Authority shall exhibit for public inspection the following information related to the project-

- (a) a description of the general nature and effects of the project; and
- (b) a plan delineating the boundaries of the project.

(4) Without prejudice to the Lands Resumption Ordinance (Cap 124), the Authority may make reference to the commencement date of the implementation of the project notified in the Gazette or, the commencement date for the implementation of the part of the project determined under section 24(8) or 25(8), as the case may be, for determining, in accordance with the Authority's policies as published from time to time, the eligibility of any person to receive compensation, payments or other benefits including the provision of alternative residential accommodation where necessary as a result of the Authority's implementation of the project.

Accountability arrangements of the Urban Renewal Authority (cont'd)

(5) For the purposes of this section, "project" (項目) means-

- (a) a development scheme of the description mentioned in section 25; or
- (b) a development project of the description mentioned in section 26,

as the case may be.

Section 24: Objections to projects to be implemented by way of development project

(1) Any person who considers that he will be affected by a project to be implemented by way of a development project under section 26 referred to in a notice published under section 23(1) and who wishes to object to the implementation of the development project may, within the publication period, send to the Authority a written statement of his objections to the project.

(2) The written statement mentioned in subsection (1) shall set out-

- (a) the nature and reasons for the objection;
- (b) where the objection would be removed by an amendment of the development project any amendment proposed.

(3) The Authority shall consider all objections and shall, not later than 3 months after the expiration of the publication period, submit-

- (a) the development project;
- (b) the Authority's deliberations on the objections;
- (c) any objections which are not withdrawn; and
- (d) an assessment by the Authority as to the likely effect of the implementation of the development project including, in relation to the residential accommodation of persons who will be displaced by the implementation of the development project, an assessment as to whether or not, insofar as suitable residential accommodation for such persons does not already exist, arrangements can be made for the provision of such residential accommodation in advance of any such displacement which will result as the development project is implemented,

to the Secretary for his consideration.

Accountability arrangements of the Urban Renewal Authority (cont'd)

(4) The Secretary shall consider the development project and any objections which are not withdrawn and determine, consequent upon those objections, whether-

- (a) to authorize the Authority to proceed with the development project without any amendment;
- (b) to make an amendment to the development project to meet an objection raised under subsection (1); or
- (c) to decline to authorize the development project.

(5) The Secretary may authorize the Authority to proceed with the development project if after the expiration of the publication period no objections have been lodged.

(6) Where the Secretary makes an amendment to a development project under subsection (4)(b) to meet an objection raised under subsection (1), he shall order the Authority to publish in the Gazette notice of the amendment to the development project. Where the amendment appears to the Secretary to affect any land, other than that of the objector, the Secretary shall serve notice in writing of that amendment on the owner of that other land or give such other notice by advertisement or otherwise as he deems desirable and practicable to the owner of that other land to inform that owner of the amendment.

(7) The owner of the other land mentioned in subsection (6) who wishes to object to the amendment made by the Secretary under subsection (4)(b) shall send to the Secretary a written statement of that objection within-

- (a) 14 days in the case of an owner of the land included in the original development project submitted to the Secretary under subsection (3); or
- (b) 2 months in the case of an owner of the land affected by the amendment made by the Secretary under subsection (4)(b) and not included in the original development project submitted to the Secretary under subsection (3),

after the service or giving of notice by the Secretary under subsection (6). The Secretary shall consider the written statement to determine, in view of that objection, whether to authorize the Authority to proceed with the development project with or without the amendment made by the Secretary or, whether to decline to authorize the development project and shall serve notice in writing of that determination on the owner who made the objection.

(8) Where the Secretary makes an amendment to a development project under subsection (4)(b) with amendments which include an expansion of the boundaries of the project, the commencement date of the implementation of the part of the project concerning the land not included in the original development project submitted to the Secretary under subsection (3) shall be the date when notice was published in the Gazette under subsection (6). The commencement date of the implementation of the part of the project concerning the land included in the original development project submitted to the Secretary under subsection (3) shall remain as provided under section 23(2).

Accountability arrangements of the Urban Renewal Authority (cont'd)

(9) Where the Secretary authorizes the Authority to proceed with a development project under subsection (4)(a) or (7), as the case may be, with or without amendments, he shall order the Authority to publish in the Gazette notice of authorization of the project, together with a summary of the information of the description mentioned in section 23(3)(a) and (b) concerning the project as authorized by the Secretary. The Authority shall, upon request made to it by any person in that behalf, make available for inspection information of the description mentioned in section 23(3)(a) and (b) concerning the authorized project.

(10) Where the Secretary declines to authorize a development project under subsection (4)(c) or (7), he shall order the Authority to publish in the Gazette notice of withdrawal of the project. The Authority shall serve notice in writing of that decision on the owner of the land or give such other notice by advertisement or otherwise as the Authority deems desirable and practicable to the owner of the land to inform that owner of the decision. Any such withdrawal shall be without prejudice to the preparation of a new project and the publication thereof under section 23.

Section 27: Appeal Board

(1) The Chief Executive may appoint a panel of persons ("the Appeal Board panel") whom he considers suitable to sit as members of an Appeal Board to hear an appeal under section 28.

(2) The Chief Executive shall not appoint-

- (a) a director of the Board of the Authority;
- (b) an employee of the Authority; or
- (c) a public officer,

to the Appeal Board panel.

(3) In subsection (2), "public officer" (公職人員) does not include a judge of the Court of First Instance, a recorder of the Court of First Instance, a deputy judge of the Court of First Instance or a District Judge.

(4) The Chief Executive may appoint a member of the Appeal Board panel as Chairman of the panel and may appoint one or more members as Deputy Chairmen of the panel as he thinks fit.

(5) The Chief Executive may appoint a public officer to be the secretary to the Appeal Board panel who at the same time serves as the secretary to an Appeal Board.

(6) Members of the Appeal Board panel shall be appointed for a term not exceeding 3 years but shall be eligible for reappointment.

Accountability arrangements of the Urban Renewal Authority (cont'd)

- (7) Members of the Appeal Board panel may resign at any time by notice in writing given to the Chief Executive.
- (8) On receipt of a notice of appeal, the secretary to the Appeal Board panel shall notify the Chairman of the panel who shall, subject to subsections (9), (10), (15) and (20), nominate an Appeal Board to hear the appeal.
- (9) The Chairman of the Appeal Board panel shall not nominate an Appeal Board to hear an appeal or act as its Chairman if he has a direct or indirect interest in the appeal.
- (10) A Deputy Chairman of the Appeal Board panel designated for the purpose by the Chairman of the panel shall, in the absence of the Chairman of the panel, or if the Chairman of the panel has a direct or indirect interest in an appeal, nominate an Appeal Board to hear the appeal.
- (11) Subsection (9) shall apply to a Deputy Chairman of the Appeal Board panel as it applies to the Chairman of the panel.
- (12) A member of the Appeal Board panel shall not be nominated to an Appeal Board to hear an appeal or act as its member if he has a direct or indirect interest in the appeal.
- (13) Subject to subsections (9), (10), (12), (15) and (20), the Chairman or a Deputy Chairman and 4 other members of the Appeal Board panel shall constitute an Appeal Board to hear an appeal.
- (14) Subject to subsections (9), (10), (15) and (20), the Chairman or a Deputy Chairman of the Appeal Board panel shall act as the Chairman of an Appeal Board.
- (15) If the Chairman of the Appeal Board panel and the Deputy Chairman designated under subsection (10) have a direct or indirect interest in an appeal, the Chief Executive may appoint another Deputy Chairman or another member of the panel, who does not have a direct or indirect interest in the appeal, to nominate an Appeal Board to hear the appeal and to act as the Chairman of the Appeal Board.
- (16) At least 3 members, one of whom must be the Chairman of the Appeal Board, shall be present to hear and determine an appeal.
- (17) The Appeal Board shall hear the appeal and a majority of the members hearing the appeal shall determine questions before it.
- (18) Where there is an equality of votes in respect of any question to be determined in an appeal, the Chairman of the Appeal Board shall have a casting vote in addition to his original vote.
- (19) A member shall not take part in determining the questions before the Appeal Board unless he has been present at all the Appeal Board hearings held in respect of the appeal concerned.
- (20) If the Chairman of the Appeal Board panel is precluded by illness or absence from Hong Kong from exercising his functions-
- (a) the Deputy Chairman designated under subsection (10) shall act as Chairman; or
 - (b) if the Deputy Chairman designated under that subsection is unable to act as Chairman, the Chief Executive may appoint another Deputy Chairman or another member to act as Chairman.
- (21) The Chairman and the members of an Appeal Board may be paid such remuneration and allowances as the Financial Secretary may determine.

Accountability arrangements of the Urban Renewal Authority (cont'd)

Section 28: Appeals

(1) An objector to a development project who is aggrieved by a decision of the Secretary under section 24(4)(a) or (7) may appeal by lodging a notice of appeal with the secretary to the Appeal Board panel, with a copy to the Secretary, within 30 days after notification of the Secretary's decision under section 24(9).

(2) A notice of appeal under subsection (1) shall contain the following information-

- (a) the name, address and telephone number of the appellant and of the appellant's authorized representative, if any;
- (b) details of the decision appealed against;
- (c) the grounds of the appeal;
- (d) the name, address and telephone number of all proposed witnesses; and
- (e) particulars of the evidence to be given by the witnesses and documents and any other thing to be produced by or on behalf of the appellant sufficient to ensure that the Appeal Board and the Secretary are fully and fairly informed of the grounds of appeal.

(3) On receipt of a notice under subsection (1), the secretary to the Appeal Board panel shall fix a date, time and place for the hearing of the appeal, which shall be a date not sooner than 30 days but not more than 60 days of receipt of such notice and shall give at least 14 days' notice thereof to the appellant and the Secretary.

(4) The Secretary shall, within 30 days of receipt of a copy of a notice under subsection (1), serve on the secretary to the Appeal Board panel and on the appellant a notice containing the following information-

- (a) the name, address and telephone number of the Secretary's authorized representative;
- (b) the grounds for opposing the appeal;
- (c) the name, address and telephone number of all proposed witnesses; and
- (d) particulars of the evidence to be given by the witnesses and documents and any other thing to be produced by or on behalf of the Secretary sufficient to ensure that the appellant and the Appeal Board are fully and fairly informed of the grounds of opposing the appeal.

Accountability arrangements of the Urban Renewal Authority (cont'd)

- (5) Not less than 7 days prior to the date set for the hearing of the appeal, the appellant and the Secretary shall-
- (a) lodge with the secretary to the Appeal Board panel a copy of witness statements, documents and any other thing to be given or produced in evidence at the hearing of the appeal; and
 - (b) serve on each other a copy of witness statements and documents and shall give details of any other thing lodged with the secretary to the Appeal Board panel, which statement, document or thing is to be given or produced in evidence at the hearing of the appeal.
- (6) The appellant may abandon the whole or any part of his appeal before the date set for hearing or any adjourned date by giving the secretary to the Appeal Board panel and the Secretary not less than 7 days' notice in writing of his intention to abandon the whole or part of the appeal.
- (7) The hearing of an appeal shall be in public.
- (8) The appellant and the Secretary may appear before an Appeal Board in person or by an authorized representative.
- (9) Prior to or at the hearing of an appeal, an Appeal Board may-
- (a) consider and determine whether a party should have access to documents, records, books of account or other exhibits which the party claims are relevant to the appeal and which are in the possession or control of another person and order that other person to give the party access to such documents, records, books of account or other exhibits as it may think fit;
 - (b) hear evidence on oath and administer any oath necessary to swear in a witness;
 - (c) admit or take into account any statement, document, record, book of account, other exhibit, information or matter whether or not it would be admissible as evidence in a court of law; and
 - (d) by notice in writing (a "summons"), summon any person to appear before it to give evidence and to produce any document, record, book of account or other exhibit specified in the summons.
- (10) A witness who is called to give evidence at an appeal shall have all of the rights and privileges of a witness in a civil action in the Court of First Instance.
- (11) Any person who-
- (a) is served with a summons under subsection (9)(d) and who-
 - (i) refuses or neglects without sufficient cause to appear or to produce any document, record, book of account or other exhibit required to be produced; or
 - (ii) refuses to be sworn or give evidence; or
 - (b) refuses to comply with an order of the Appeal Board under subsection (9),
- commits an offence and is liable to a fine at level 5.

Accountability arrangements of the Urban Renewal Authority (cont'd)

(12) The Appeal Board shall inquire into any matter which it may consider relevant to the appeal, whether or not it has been raised by a party.

(13) No decision of an Appeal Board shall be questioned by virtue of the absence of a member of the Appeal Board during the hearing of an appeal provided that member does not participate in the final decision of the Appeal Board.

(14) At the completion of the hearing of an appeal, the Appeal Board-

(a) may confirm, reverse or vary the decision appealed against as it thinks fit;

(b) may, subject to paragraph (c), order any party to the appeal to pay only the costs and expenses incurred by the Appeal Board in hearing and determining the appeal, and the amount of such costs and expenses shall be determined by the Appeal Board having regard to-

(i) the amount of remuneration and allowances payable to the Chairman and the members of the Appeal Board under section 27(21); and

(ii) the amount of administrative or other costs and expenses incurred by the Appeal Board in relation to the hearing and determination of an appeal;

(c) shall not make an order under paragraph (b) against the appellant unless it is satisfied that it is reasonable and just for the appellant to bear the costs and expenses of the hearing.

(15) Where an Appeal Board makes an order for costs and expenses under subsection (14), the Appeal Board shall specify in the order-

(a) the time limit for making payment, not being earlier than 14 days from the date of the order; and

(b) the person to whom payment shall be made. Where an order for costs and expenses under this section is made against-

(i) the appellant, the amount of the costs and expenses shall be recoverable as a civil debt; or

(ii) the Secretary, the amount of the costs and expenses shall be paid out of the general revenue.

(16) If a person mentioned in subsection (8) fails to appear on a date set for the hearing of an appeal, an Appeal Board may-

(a) if it is satisfied that the failure to appear is due to reasonable cause, adjourn the hearing to a date, time and place that it thinks fit;

(b) proceed to hear the appeal; or

(c) dismiss the appeal, if the person who fails to appear as stated above is the appellant or the appellant's authorized representative.

(17) If an Appeal Board dismisses an appeal under subsection (16)(c), an appellant may, within 14 days of the making of the order dismissing the appeal, apply in writing to the secretary to the Appeal Board for the Appeal Board to review its decision.

(18) On a review under subsection (17), the Appeal Board may, if it is satisfied that the failure to appear was due to reasonable cause, set aside the order and fix a date, time and place as it thinks fit for the hearing, and, unless the parties agree, the date shall be not less than 14 days from the date of the review.

Accountability arrangements of the Urban Renewal Authority (cont'd)

(19) The secretary to the Appeal Board shall keep a written record for each appeal of-

- (a) the name of the appellant;
- (b) grounds of appeal;
- (c) the name of the appellant's authorized representative, if any;
- (d) the name of the Secretary's authorized representative;
- (e) the name of any witness called by either party to the appeal;
- (f) an outline of the evidence of each witness;
- (g) the decision of the Appeal Board and the reasons for the decision; and
- (h) any orders made by the Appeal Board.

(20) The secretary to the Appeal Board shall serve on both the appellant and the Secretary the decision of the Appeal Board, the reasons for the decision and any orders made by the Appeal Board.

(21) The secretary to the Appeal Board shall publish in the Gazette notice of decision of the Appeal Board concerning-

- (a) any decision referred to in subsection (14), in the case where no review of the decision is applied under subsection (17); or
- (b) any decision of the Appeal Board after consideration of the review under subsection (17).

(22) Any notice or order of an Appeal Board shall be issued under the hand of the Chairman of the Appeal Board.

(23) The Chairman of the Appeal Board panel may, as regards the general application by all, determine the practice or procedure in relation to a matter if provision has not been made under this section and section 27 for the practice or procedure in respect thereof.

(24) The Chairman of an Appeal Board may, as regards a particular hearing, determine the practice or procedure in relation to a matter if provision has not been made under this section and section 27 for the practice or procedure in respect thereof.

Section 32: Secretary may obtain information

The Authority shall upon request by the Secretary afford to him sufficient facilities for obtaining information with respect to the property and affairs of the Authority and shall, in such manner and at such times as the Secretary may require, furnish him with returns, accounts and other information with respect thereto and afford to him facilities for the verification of information furnished.

Accountability arrangements of the Urban Renewal Authority (cont'd)

Section 33: Chief Executive may give directions

The Chief Executive may, if he considers the public interest so requires, give directions in writing to the Authority in relation to the exercise of its powers or the performance of its duties and the Authority shall comply with those directions.

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