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29 June 2012

Mr Timothy TSO
Assistant Legal Adviser
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

Dear Mr TSO,

**Proposed amendments to the resolution to be moved under section 54A
of the Interpretation and General Clauses Ordinance (Cap. 1)**

Thank you for your letter of 25 June 2012.

On the issues raised in your letter, you may wish to note that we have issued a paper on the commencement date of the resolution and proposals submitted to the Finance Committee. A copy of the paper is attached for your easy reference.

Yours sincerely,

(Freely K CHENG)

for Secretary for Constitutional and Mainland Affairs

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Finance Committee
Follow up on issues raised at the meeting on 22 June 2012

**Commencement date of the resolution and proposals submitted to the
Finance Committee**

At the meeting on 22 June 2012, Members raised questions on the commencement date of the proposals submitted to the Finance Committee ("FC") relating to the re-organisation of the Government Secretariat and the resolution proposed to be passed under the Interpretation and General Clauses Ordinance (Cap. 1) ("the resolution"). In response to the questions raised, this paper provides supplementary information as follows.

2. In the two FC agenda items ("FCais"), namely FCR(2012-13)43 and FCR(2012-13)44, the Administration has proposed changes in establishment (i.e. items (a) to (h) recommended by the Establishment Subcommittee in Enclosure 1 to FCR(2012-13)43) and changes in the 2012-13 Estimates of Expenditure (i.e. items (a) to (g) in the Preamble of FCR(2012-13)44) respectively arising from the proposed re-organisation of the Government Secretariat ("the proposals"). As explained at the meeting on 22 June 2012, the above two FCais have clearly stated that the proposals will only take effect from the date of transfer specified in the resolution for which the notice of motion was given on 7 May 2012. As such, even if the FC approves the proposals, all the proposals concerned will only take effect on the date of transfer specified in the resolution after the resolution has been passed by the Legislative Council ("LegCo"). Under no circumstances will any individual proposal take effect earlier. If the resolution is not passed by the LegCo, none of the proposals in the two FCais (i.e. FCR(2012-13)43 and FCR(2012-13)44) will take effect.

3. Having considered the progress of discussion at the LegCo and FC up to 19 June 2012, the Chief Secretary for Administration has proposed amendment to the resolution on the same date to the effect that if the FC approves the proposals before 1 July 2012, the resolution will take effect from 1 July 2012; but if the FC approves the proposals on or after 1 July 2012, the resolution will come into effect on the fifth day after the FC's approval. This amendment has yet to be moved at the LegCo.

4. Depending on the latest progress of discussion at the LegCo and FC, we will, if necessary, consider to propose another amendment to the resolution to substitute the one proposed on 19 June 2012. We will discuss with the Department of Justice to ensure that the proposals and the transfer of statutory functions of public officers will take effect at the same time to implement the re-organisation of the Government Secretariat.

**Constitutional and Mainland Affairs Bureau
Financial Services and the Treasury Bureau
Office of the Chief Executive-elect
June 2012**