

LEGISLATIVE COUNCIL BRIEF

**RE-ORGANISATION OF THE
GOVERNMENT SECRETARIAT :
LEGISLATIVE AMENDMENTS**

INTRODUCTION

On 4 May 2012, the Chief Executive-elect (CE-elect) announced his plan to re-organise the Government Secretariat, and the Administration issued a paper for the Legislative Council (LegCo) Panel on Constitutional Affairs (CA Panel) on “Re-organisation of the Government Secretariat” (LC Paper No. CB(2)1908/11-12(01)) on the same day. On 7 May 2012, the Administration served a notice of its intention to move a resolution under the Interpretation and General Clauses Ordinance (Cap. 1) to effect the transfer of statutory functions of public officers concerned at the LegCo meeting of 20 June 2012. The notice with the resolution and the draft speech of the Secretary for Constitutional and Mainland Affairs are attached to the paper issued by the LegCo Secretariat on 10 May 2012 (LC Paper No. CB(3)735/11-12).

JUSTIFICATIONS

2. To facilitate the CE-elect to re-organise the Government Secretariat, the Chief Executive (CE) has agreed to provide full support to the exercise in the interest of ensuring a smooth transition to the fourth-term Government. Details of the re-organisation proposals and rationale are set out in the CA Panel paper (LC Paper No. CB(2)1908/11-12(01)).

3. As explained in paragraphs 5 to 7 of the CA Panel paper, the current term Government needs to move a resolution to effect the transfer of statutory functions of public officers pursuant to the re-organisation proposals. For this purpose, we have served a notice of our intention to move the resolution on 7 May 2012. The proposed resolution provides that, with effect from 1 July 2012, the functions currently exercisable by a certain public officer by virtue of the ordinances set out in the resolution will be transferred to another public officer who will take charge of the relevant policy responsibilities following the re-organisation of the

Government Secretariat. After the resolution has been passed, the CE-in-Council will make an order to amend the list of public officers set out in Schedule 6 to Cap. 1. The amendments aim to include the post titles of the two Deputy Secretaries of Department and reflect the changes to the post titles of the various public officers. The order will also come into force on 1 July 2012. The draft order is at **Annex**.

LEGISLATIVE TIMETABLE

4. As mentioned in paragraphs 8 and 9 of the CA Panel paper, the resolution needs to undergo positive vetting by LegCo. The Administration intends to move the resolution at the LegCo meeting of 20 June 2012. The order is subject to negative vetting by LegCo and should be made after the resolution has been passed. Both the resolution and the order will come into force on 1 July 2012.

PUBLIC CONSULTATION

5. As set out in paragraph 11 of the CA Panel paper, the CE-elect consulted the public and different sectors of the community on the re-organisation proposals during his election campaign. The Office of the CE-elect sought views and advice from the current term Government through the CE's Office, and has met with the bureaux concerned to hear their views. The present proposals have taken into account the views expressed.

ENQUIRIES

6. For enquiries about this brief, please contact Mr Freely CHENG, Principal Assistant Secretary for Constitutional and Mainland Affairs at 2810 2852.

Constitutional and Mainland Affairs Bureau
May 2012

**Interpretation and General Clauses Ordinance
(Substitution of Schedule 6) Order 2012**

(Made by the Chief Executive in Council under section 62(3) of the
Interpretation and General Clauses Ordinance (Cap. 1))

1. Commencement

This Order comes into operation on 1 July 2012.

2. Interpretation and General Clauses Ordinance amended

The Interpretation and General Clauses Ordinance (Cap. 1) is
amended as set out in section 3.

3. Schedule 6 substituted

Schedule 6—

Repeal the Schedule

Substitute

“Schedule 6

[s. 62]

Public Officers

Chief Secretary for Administration

Financial Secretary

Secretary for Justice

Deputy Chief Secretary for Administration

Deputy Financial Secretary

Secretary for the Civil Service

Secretary for Commerce and Industries
Secretary for Constitutional and Mainland Affairs
Secretary for Culture
Secretary for Education
Secretary for the Environment
Secretary for Financial Services and the Treasury
Secretary for Food and Health
Secretary for Home Affairs
Secretary for Housing, Planning and Lands
Secretary for Labour and Welfare
Secretary for Security
Secretary for Technology and Communications
Secretary for Transport and Works
Under Secretary
Permanent Secretary
Director of Administration
Director of Home Affairs
Deputy Secretary
Deputy Director of Administration
Principal Assistant Secretary
Assistant Director of Administration”.

Clerk to the Executive Council

COUNCIL CHAMBER

June 2012

Explanatory Note

This Order repeals the existing Schedule 6 to the Interpretation and General Clauses Ordinance (Cap. 1) and replaces it with a new Schedule 6 for the purpose of specifying the list of public officers empowered to signify the exercise of statutory powers and the performance of statutory duties by the Chief Executive with effect from 1 July 2012.