

## **LEGISLATIVE COUNCIL BRIEF**

The Ombudsman Ordinance (Chapter 397)

### **THE OMBUDSMAN ORDINANCE**

#### **(AMENDMENT OF SCHEDULE 1) ORDER 2000**

#### **INTRODUCTION**

At the meeting of the Executive Council on 16 May 2000, the Council ADVISED and the Chief Executive ORDERED that, under section 24 of The Ombudsman Ordinance (Cap. 397) (“the Ordinance”), The Ombudsman Ordinance (Amendment of Schedule 1) Order 2000, at Annex A Annex A, should be made.

#### **BACKGROUND AND ARGUMENT**

2. We will reorganize Government’s institutional framework to advance initiatives for promoting innovation and technology, attracting external direct investment and supporting industry and commerce. In particular, we will disband the Industry Department and set up a new Government agency named Invest Hong Kong. Subject to the approval of the Legislative Council, we will effect the reorganization on 1 July 2000.

### **The Ombudsman Ordinance (Amendment of Schedule 1) Order 2000**

#### Annex B

3. The Ordinance empowers the Ombudsman to investigate any action taken by or on behalf of an organization specified in Part I of Schedule 1 to the Ordinance (at Annex B) in the exercise of its administrative functions. At present, the Ombudsman has jurisdiction over nearly all government departments and agencies, except the Police and the Independent Commission Against Corruption over which the Ombudsman only has jurisdiction on matters relating to the implementation of the Code on Access to Information. The Ombudsman also has jurisdiction over 16 major statutory bodies.

4. Currently, the Industry Department is specified in Part I of Schedule 1 to the Ordinance and is under the jurisdiction of the Ombudsman. With the disbandment of the Industry Department and the setting up of Invest Hong Kong, it is appropriate to remove the Industry Department from, and add Invest Hong Kong to, Part I of Schedule 1 to the Ordinance, so that the new agency will be put under the jurisdiction of the Ombudsman. Section 24 of the Ordinance provides that the Chief Executive in Council may, by order published in the Gazette, amend Schedule 1.

### **THE ORDER**

5. Section 1 provides that the Order shall come into operation on 1 July 2000. Section 2 amends Part I of Schedule 1 to the Ordinance by repealing “Industry Department” and adding “Invest Hong Kong”.

## **PUBLIC CONSULTATION**

6. We briefed the Legislative Council Panel on Trade and Industry on the reorganization plan on 3 April 2000.

## **BASIC LAW IMPLICATIONS**

7. The Department of Justice advises that the proposal is consistent with the Basic Law.

## **HUMAN RIGHTS IMPLICATIONS**

8. The Department of Justice advises that the proposal has no human rights implications.

## **BINDING EFFECT OF THE LEGISLATION**

9. The proposal does not affect the current binding effect of the Ordinance.

## **FINANCIAL AND STAFFING IMPLICATIONS**

10. The proposal does not have any financial or staffing implications for Government.

## **ECONOMIC IMPLICATIONS**

11. The proposal does not have any economic implications.

## **LEGISLATIVE TIMETABLE**

12. The legislative timetable will be as follows :

Publication in the Gazette	19 May 2000
Tabling at the Legislative Council	24 May 2000

### **PUBLICITY**

13. A spokesman will be available to answer media enquiries.

### **ENQUIRY**

14. Any enquiries on this brief should be directed to Mr. Bobby Cheng, Principal Assistant Secretary for Trade and Industry at 2918 7460 or by facsimile at 2869 4420.

Trade and Industry Bureau

May 2000