

**Subcommittee to Study the Proposed
Accountability System for Principal Officials and Related Issues**

**Amendments to the Draft Resolution under Section 54A
of the Interpretation and General Clauses Ordinance (Cap. 1)**

Introduction

This paper seeks to inform members of the amendments made to the draft Resolution which was issued to the Legislative Council on 17 April 2002.

Background

2. The Resolution to effect the necessary transfer of statutory functions arising from the re-organization of certain bureaux was presented to the Legislative Council, in draft form, on 17 April 2002. Certain amendments to the draft Resolution have been made since then. These are summarized in the following paragraphs. Formal notice on the revised Resolution was issued to the Legislative Council on 1 June 2002.

Changes made to the draft Resolution

3. Major changes made to the previous draft Resolution are: -
- (a) changes arising from the adjustment to the distribution of portfolios of the policy bureaux; and
 - (b) technical amendments.

Adjustments to the portfolios of the policy bureaux

4. In the light of the views of the public and the discussion at this Subcommittee, the Administration has decided to adjust the portfolios of the policy bureaux and the draft Resolution has been

amended accordingly:

- (a) relevant statutory functions relating to the “environment” portfolio currently exercisable by the Secretary for the Environment and Food will be transferred to the future Secretary for the Environment, Transport and Works;
- (b) relevant statutory functions relating to the “food and environmental hygiene” portfolio currently exercisable by the Secretary for the Environment and Food will be transferred to the Secretary for Health, Welfare and Food;
- (c) relevant statutory functions relating to the “labour” portfolio currently exercisable by the Secretary for Education and Manpower will be transferred to the Secretary for Economic Development and Labour;
- (d) statutory functions relating to manpower development, including training and retraining of the workforce will remain with the Secretary for Education and Manpower; and
- (e) relevant statutory functions currently exercisable by the Secretary for Commerce and Industry and the Secretary for Information Technology and Broadcasting will be transferred to the future Secretary for Commerce, Industry and Technology.

A revised list of the titles of the bureau secretaries under the accountability system is enclosed at Annex A. A comparison of the draft Resolution and the revised Resolution in this respect is attached at Annex B for members’ reference.

Technical Amendments

5. We have also made a number of technical amendments to the draft Resolution, which include the following: -

- (a) provisions added to cover legislation enacted since the previous draft Resolution was presented to the Legislative

Council; and

- (b) changes made to better reflect the policy intent of the relevant provisions. For example, the words “as provided for by the amendments made under subparagraph (b)” in each subparagraph (a) of paragraph (1) to (13) are deleted. This puts beyond doubt that the statutory functions are transferred on an Ordinance basis.

Advice Sought

- 6. Members are invited to note the amendments to the draft Resolution as explained above.

Constitutional Affairs Bureau
June 2002

**Post titles of policy secretaries
under the Accountability System**

- | | |
|---|------------|
| 1. Secretary for the Civil Service | 公務員事務局局長 |
| 2. Secretary for Commerce, Industry and Technology | 工商及科技局局長 |
| 3. Secretary for Constitutional Affairs | 政制事務局局長 |
| 4. Secretary for Economic Development and Labour | 經濟發展及勞工局局長 |
| 5. Secretary for Education and Manpower | 教育統籌局局長 |
| 6. Secretary for the Environment, Transport and Works | 環境運輸及工務局局長 |
| 7. Secretary for Financial Services and the Treasury | 財經事務及庫務局局長 |
| 8. Secretary for Health, Welfare and Food | 生福利及食物局局長 |
| 9. Secretary for Home Affairs | 民政事務局局長 |
| 10. Secretary for Housing, Planning and Lands | 房屋及規劃地政局局長 |
| 11. Secretary for Security | 保安局局長 |

Comparison between the draft Resolution and revised Resolution

Paragraph and Schedule number in the draft Resolution/ transfer of statutory functions	Paragraph and Schedule number in the revised Resolution/ transfer of statutory functions	Changes
<ul style="list-style-type: none"> 1 from <i>Secretary for Commerce and Industry</i> to Secretary for Commerce, Industry and Manpower 	<ul style="list-style-type: none"> 1 from <i>Secretary for Commerce and Industry</i> to Secretary for Commerce, Industry and Technology 	<ul style="list-style-type: none"> Change of post title
<ul style="list-style-type: none"> 2 from <i>Secretary for Education and Manpower</i> to Secretary for Commerce, Industry and Manpower 	<ul style="list-style-type: none"> 4 from <i>Secretary for Education and Manpower</i> to Secretary for Economic Development and Labour 	<ul style="list-style-type: none"> Change of paragraph and Schedule number Change of post title
<ul style="list-style-type: none"> 3 from <i>Secretary for Economic Services</i> to Secretary for Economic Development 	<ul style="list-style-type: none"> 3 from <i>Secretary for Economic Services</i> to Secretary for Economic Development and Labour 	<ul style="list-style-type: none"> Change of post title

Paragraph and Schedule number in the draft Resolution/ transfer of statutory functions	Paragraph and Schedule number in the revised Resolution/ transfer of statutory functions	Changes
<ul style="list-style-type: none"> • 4 • from <i>Secretary for Information Technology and Broadcasting</i> to Secretary for Economic Development 	<ul style="list-style-type: none"> • 2 • from <i>Secretary for Information Technology and Broadcasting</i> to Secretary for Commerce, Industry and Technology 	<ul style="list-style-type: none"> • Change of paragraph and Schedule number • Change of post title
<ul style="list-style-type: none"> • 5 • from <i>Secretary for Education and Manpower</i> to Secretary for Education 	-	<ul style="list-style-type: none"> • The post title of Secretary for Education and Manpower would remain unchanged and therefore paragraph 5 of and Schedule 5 to the draft Resolution was removed from the revised Resolution
<ul style="list-style-type: none"> • 6 • from <i>Secretary for the Environment and Food</i> to Secretary for the Environment, Health and Welfare 	<ul style="list-style-type: none"> • 5 & 10 • from <i>Secretary for the Environment and Food</i> to Secretary for the Environment, Transport and Works • from <i>Secretary for the Environment and Food</i> to Secretary for Health, Welfare and Food 	<ul style="list-style-type: none"> • Statutory functions vested in Secretary for the Environment and Food are categorized into those relating to “environment” and those relating to “food and environmental hygiene”, and be transferred to the respective bureau secretaries • Change of paragraph and Schedule number

Paragraph and Schedule number in the draft Resolution/ transfer of statutory functions	Paragraph and Schedule number in the revised Resolution/ transfer of statutory functions	Changes
<ul style="list-style-type: none"> • 7 • from <i>Secretary for Health and Welfare</i> to Secretary for the Environment, Health and Welfare 	<ul style="list-style-type: none"> • 11 • from <i>Secretary for Health and Welfare</i> to Secretary for Health, Welfare and Food 	<ul style="list-style-type: none"> • Change of paragraph and Schedule number • Change of post title
<ul style="list-style-type: none"> • 8 • from <i>Secretary for Financial Services</i> to Secretary for Financial Services and the Treasury 	<ul style="list-style-type: none"> • 8 • from <i>Secretary for Financial Services</i> to Secretary for Financial Services and the Treasury 	<ul style="list-style-type: none"> • No change
<ul style="list-style-type: none"> • 9 • from <i>Secretary for the Treasury</i> to Secretary for Financial Services and the Treasury 	<ul style="list-style-type: none"> • 9 • from <i>Secretary for the Treasury</i> to Secretary for Financial Services and the Treasury 	<ul style="list-style-type: none"> • No change
<ul style="list-style-type: none"> • 10 • from <i>Secretary for Housing</i> to Secretary for Housing, Planning and Lands 	<ul style="list-style-type: none"> • 12 • from <i>Secretary for Housing</i> to Secretary for Housing, Planning and Lands 	<ul style="list-style-type: none"> • Change of paragraph and Schedule number

Paragraph and Schedule number in the draft Resolution/ transfer of statutory functions	Paragraph and Schedule number in the revised Resolution/ transfer of statutory functions	Changes
<ul style="list-style-type: none"> • 11 • from <i>Secretary for Planning and Lands</i> to Secretary for Housing, Planning and Lands 	<ul style="list-style-type: none"> • 13 • from <i>Secretary for Planning and Lands</i> to Secretary for Housing, Planning and Lands • 	<ul style="list-style-type: none"> • Change of paragraph and Schedule number
<ul style="list-style-type: none"> • 12 • from <i>Secretary for Transport</i> to Secretary for Transport and Works 	<ul style="list-style-type: none"> • 6 • from <i>Secretary for Transport</i> to Secretary for the Environment, Transport and Works 	<ul style="list-style-type: none"> • Change of paragraph and Schedule number • Change of post title
<ul style="list-style-type: none"> • 13 • from <i>Secretary for Works</i> to Secretary for Transport and Works 	<ul style="list-style-type: none"> • 7 • from <i>Secretary for Works</i> to Secretary for the Environment, Transport and Works 	<ul style="list-style-type: none"> • Change of paragraph and Schedule number • Change of post title