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28 December 2002

Mrs. Percy Ma
Clerk to Bills Committee
Legislative Council Building
8 Jackson Road
Central, Hong Kong

Dear Mrs. Ma,

Education Reorganization (Miscellaneous Amendments) Bill 2002

**Merger of the Education and Manpower Bureau
with the Education Department**

The Bills Committee held its second meeting on 23 December 2002. In the light of the fact that the Education Reorganization (Miscellaneous Amendments) Bill (the Bill) could not be enacted by 1 January 2003 as originally proposed, Members asked about the arrangement for the merger of the Education and Manpower Bureau (EMB) with the Education Department (ED). The Bill aims at, among other things, transferring the power vested in the statutory office of the Director of Education (DE) to the Permanent Secretary for Education and Manpower (PSEM) and replacing the ED with the EMB.

In response, I said that the Finance Committee (FC) approved on 6 December 2002 a set of establishment changes for the EMB and the ED. These include, among other things, the deletion of the established post of the DE in the civil service with effect from 1 January 2003 and the consequential takeover of the duties of the DE by the PSEM.

The Administration appreciates that until the enactment of the Bill, the ED and the statutory office of the DE will continue to exist. In view of the progress of the legislative exercise, we have obtained the agreement of the Chief Executive (CE) under the Basic Law to appoint the PSEM to assume the statutory office of the DE with effect from 1 January 2003 in addition to the PSEM duties. I said at the meeting that we had taken this course of action after having cleared it personally with the Law Officer (Civil).

I have since discussed with Mr Jimmy Ma, Legal Adviser to the Legislative Council and explained to him that the CE had made this appointment under Article 48(7) of the Basic Law. I understand that he is satisfied with the explanation. A copy of the gazette notice announcing the appointment is attached at Annex 1.

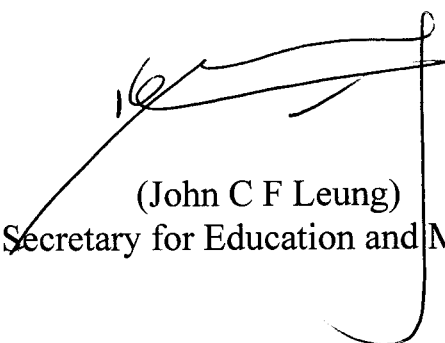
I would like to take this opportunity to supplement that the Legal Adviser to the Legislative Council had, through the Clerk to FC, enquired in November 2002 as to whether the legislative exercise and the FC submissions on establishment changes and change of Controlling Officer for Head 40 – ED should be dependent on each other. We had explained to the Clerk to FC, before the FC meeting on 6 Dec 2002, that the two should not be dependent on each other. A copy of our response to the FC Clerk is attached at Annex 2. In this respect, we note that before giving approval to the EMB/ED staffing proposal on 6 December 2002, FC Members had been informed at the meeting of the following -

“ . . . the Education Reorganization (Miscellaneous Amendments) Bill 2002 was introduced into the Council on 20 November 2002. The House Committee also agreed at its meeting on 22 November 2002 to form a Bills Committee to study the Bill.”

We will proceed with the formal EMB/ED merger upon enactment of the Bill. Until then, we will proceed with the streamlining of responsibilities in the EMB and the ED on 1 January 2003 as approved by the FC on 6 December 2002, achieving an annual saving of some \$14 million. In the meantime, ED officers will continue to perform statutory functions under the Education Ordinance and any other relevant ordinances in the name of the DE.

I trust that we have clarified all the points raised in paragraph 4 of the draft notes of the second meeting of the Bills Committee enclosed in your letter of 24 December 2002.

Yours sincerely,



(John C F Leung)
for Secretary for Education and Manpower

c.c. D of J (Attn.: Ms Grace Leung and Ms Vivian Fung)

G.N. 8336

It is hereby notified that the Chief Executive the Honourable TUNG Chee Hwa has approved the following appointments:—

<i>Name and Rank</i>	<i>Appointment</i>	<i>Date</i>	<i>Remarks</i>
Mrs. Fanny LAW, J.P., Administrative Officer, Staff Grade A1	Permanent Secretary for Education and Manpower to assume the statutory office of Director of Education	1.1.2003	Assuming the statutory office of Director of Education in addition to the duties of the Permanent Secretary for Education and Manpower
Mr. LEE Hing-fai, J.P., Senior Assistant Director of Education	Ceases to be Director of Education	1.1.2003	Ceases to act as Director of Education on deletion of the post
Mr. PANG Sung-yuen, C.S.D.S.M., J.P., Deputy Commissioner of Correctional Services	Commissioner of Correctional Services	1.1.2003	—
Mr. LEUNG Chin-man, J.P., Administrative, Officer Staff Grade A	Ceased doubling-down Director of Housing Permanent Secretary for Housing, Planning and Lands (Housing) to assume the statutory office of Director of Housing	1.1.2003	Ceased doubling-down Director of Housing <i>vice</i> lapse of post Assuming the statutory office of Director of Housing in addition to the duties of the Permanent Secretary for Housing, Planning and Lands (Housing)

Annex 2

財經事務及庫務局 (庫務科)
 Financial Services and the Treasury Bureau
 (The Treasury Branch)
 香港下亞厘畢道
 中區政府合署中座四樓，東座四樓及五樓
 4/F Main & East Wings, 5/F East Wing
 Central Government Offices, Lower Albert Road, Hong Kong
 (傳真號碼 Fax no.: 2147 5239)

發文人: From:	Manfred Wong Treasury Officer (LU)	受文人: To:	Clerk to FC (Attn: Miss Polly Yeung)
本局檔號: Our Ref.:		受文人傳真號碼: Your Fax no.:	2121 0420
日期/時間: Date/Time Fax Sent:	26.11.2002 (9:50 a.m.)	總頁數(連本頁): Total Pages (including this leader page):	1
若文件不全，請通知 _____ (電話) _____ If message received is incomplete, please notify <u>Manfred Wong</u> on Tel.No. <u>2810 3796</u>			
訊息內容/附註: Message/Remarks: Finance Committee meeting on 6 December 2002 In response to your enquiry by phone yesterday, I append below our reply with regard to the scheduled submission of the ESC and FC proposals from EMB to the above meeting for your reference please - <ul style="list-style-type: none"> • FC will be looking at establishment changes (endorsed by ESC) and redistribution of duties within EMB and ED, and a consequential requirement to change the Controlling Officer for Head 40 upon deletion of the established post of Director of Education (DE). It is not approving the institutional merger of EMB and ED per se. • The proposed establishment changes aims at achieving better synergy between policy formulation and implementation and reducing duplication of efforts. These changes can take effect even in the absence of a formal institutional merger or an Education Reorganization (ER) Bill giving legal backing to the merger. • Prior to the enactment of the ER bill, the statutory office of DE will continue to exist. D of J has confirmed that deletion of the DE post on the civil service establishment (if approved by FC) with effect from 1.1.2003 will not alter this fact about the continued existence of the statutory office of DE. Without the DE post, the CE may appoint Mrs Fanny Law to the statutory office of DE, in addition to her appointment as Permanent Secretary for Education and Manpower. 			