

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

Arrangements during Principal Officials' Temporary Absence

Introduction

This paper sets out the Administration's views on the arrangements that may need to be put in place during Principal Officials' temporary absence.

The need for arrangements during Principal Officials' temporary absence

2. We expect that Principal Officials will not take leave for any length of time other than when LegCo is in recess. If they take leave for only a few days, we see no need for any special arrangements. This is particularly the case if they are physically in Hong Kong. But even if Principal Officials are physically away from Hong Kong, for example, when they undertake duty visits outside Hong Kong, they may nevertheless be able to make urgent decisions, for example, by means of fax or internet communication. So far as administrative responsibilities are concerned, these can be undertaken by the senior civil servants in the bureaux under delegated authority.

3. That said, we recognize that certain matters may unexpectedly come up during the absence of the relevant Principal Official away from Hong Kong and such matters have to be dealt with by a public officer who is physically in Hong Kong. In such cases, special arrangements may have to be put in place as the need arises. The special arrangements fall into the following categories :

- (a) exercise of statutory functions which have not been delegated; and
- (b) attendance at meetings of LegCo.

Statutory powers and duties

4. Where the statutory functions have not been delegated, the Chief Executive (CE) may, as necessary, by notice in the Gazette direct another public officer to exercise the relevant statutory powers or perform the statutory duties (pursuant to section 57 of Cap. 1). Depending on the nature of the statutory function in question, the public officers so directed may be another Principal Official or a senior civil servant working in the policy bureau of the relevant Principal Official. (See also paragraphs 5 and 6 below.)

5. In the case of Secretary for Justice, the relevant Law Officers will be so directed as necessary.

6. In the case of Secretary for the Civil Service, cases involving promotion, discipline and extension of service etc will be referred to CE or the Permanent Secretary for Civil Service as appropriate for the exercise of authority under the Public Service (Administration) Order 1997 and the relevant regulations made under the Order.

Attendance at meetings of the Legislative Council

7. As regards attendance at LegCo meetings, we expect that the Principal Official would so order his business that no major issues relating to his portfolio will arise in LegCo during his absence. But if such issues unexpectedly arose, arrangements will be made for another Principal Official to attend meetings of LegCo and speak on behalf of the government (see also paragraphs 8 and 9 below). For example, during the temporary absence of a Director of Bureau, CS, FS or another Director of Bureau as appropriate may speak on behalf of the government on business relating to the absent Principal Official. During the temporary absence of CS, FS or one of the Directors of Bureau may speak on behalf of the government. During the temporary absence of FS, CS or one of the Directors of Bureau may speak on behalf of the government.

8. In the case of Secretary for Justice, given the special role and responsibility of that position, arrangements will be made for a designated Law Officer to attend LegCo meetings and speak on behalf of the government on business relating to Secretary for Justice. But in doing so, he will limit himself to established policy.

9. In the case of Secretary for the Civil Service, given the special role and responsibility of that position particularly in relation to the management of the Civil Service, the permanent secretary in the Civil Service Bureau will be designated to attend LegCo meetings and speak on behalf of the government on business relating to Secretary for the Civil Service. But in doing so, he will limit himself to established policy.