

**立法會**  
***Legislative Council***

LC Paper No. LS35/03-04

**Paper for the House Committee Meeting  
on 30 January 2004**

**Legal Service Division Report on  
Proposed Resolution under sections 14(4) and 15(2)  
of the Housing Ordinance (Cap. 283)**

The Secretary for Housing, Planning and Lands has given notice to move a motion under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1) at the Legislative Council meeting on 11 February 2004. The motion seeks the approval of the Legislative Council to amend sections 14(4) and 15(2) of the Housing Ordinance (Cap. 283) to transfer the statutory functions of the Chief Secretary for Administration ("CS") under these sections to the Secretary for Housing, Planning and Lands ("SHPL").

2. Under section 14(2) and (3) of the Housing Ordinance, not later than 30 September following the end of each of financial year, or before a later date that the Chief Executive may allow, the accounts of the Housing Authority shall be submitted to the Director of Audit who shall audit the accounts and furnish a report on them. As soon as the accounts of the Housing Authority have been audited, the Housing Authority shall send to the Chief Executive a copy of the statement of accounts signed by the Chairman together with a copy of the report made by the auditor on that statement or on the accounts of the Housing Authority. Under section 14(4), CS shall lay a copy of every such statement and report on the table of the Legislative Council not later 31 December next following the end of the financial year or before such later date as the Chief Executive may allow.

3. Section 15(1) of the Housing Ordinance also provides that the Housing Authority shall, as soon as possible after the end of each financial year, make to the Chief Executive a report dealing generally with the activities of the Housing Authority during that year. Under section 15(2) of the Housing Ordinance, CS shall lay a copy of every such annual report on the table of the Legislative Council not later than 31 December next following the financial year to which the annual report relates or before such later date as the Chief Executive may allow.

4. Under section 54A(1) of the Interpretation and General Clauses Ordinance, the Legislative Council may by resolution provide for the transfer to any

public officer of any functions exercisable by virtue of any Ordinance by another officer.

5. Under section 43(1) of the Interpretation and General Clauses Ordinance, where any Ordinance confers powers or imposes duties upon a specified public officer, such public officer may delegate any other public officer to exercise such powers or perform such duties on his behalf. Since 1996, the former Chief Secretary and the present CS have been empowered under the section to delegate the functions which were to be exercised by him under sections 14(4) and 15(2) of the Housing Ordinance to other public officers (L.N. 471 of 1996). CS has exercised his power of delegation to delegate his functions under those section to SHPL.

6. According to the draft speech of SHPL, the affairs of the Housing Authority are under the responsibility of SHPL. By this proposed resolution, the Administration now seeks to -

- (a) transfer the functions which are to be exercised by CS under sections 14(4) and 15(2) of the Housing Ordinance to SHPL;
- (b) to amend sections 14(4) and 15(2) of the Housing Ordinance to repeal "Chief Secretary for Administration" and substitute "Secretary for Housing, Planning and Lands"; and
- (c) to repeal L.N. 471 of 1996.

7. The drafting of the proposed resolution presents no problem. It shall come into operation on the date when it is published in the Gazette.

Prepared by

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