

**立法會**  
**Legislative Council**

Ref : CB2/HS/1/06

LC Paper No. CB(2)2496/06-07  
(These minutes have been seen  
by the Administration)

**Subcommittee on Legislative Amendments Relating to the Proposed  
Re-organisation of Policy Bureaux of the Government Secretariat**

**Minutes of the sixth meeting  
held on Thursday, 31 May 2007, at 2:30 pm  
in the Chamber of the Legislative Council Building**

- Members present** :
- Hon TAM Yiu-chung, GBS, JP (Chairman)
  - Hon Howard YOUNG, SBS, JP (Deputy Chairman)
  - Hon James TIEN Pei-chun, GBS, JP
  - Dr Hon LUI Ming-wah, SBS, JP
  - Hon CHAN Yuen-han, JP
  - Hon SIN Chung-kai, JP
  - Dr Hon Philip WONG Yu-hong, GBS
  - Dr Hon YEUNG Sum
  - Hon LAU Kong-wah, JP
  - Hon Abraham SHEK Lai-him, JP
  - Hon Audrey EU Yuet-mee, SC, JP
  - Hon Alan LEONG Kah-kit, SC
  - Hon LEUNG Kwok-hung
  - Dr Hon Fernando CHEUNG Chiu-hung
  - Hon Ronny TONG Ka-wah, SC
  - Prof Hon Patrick LAU Sau-shing, SBS, JP
  - Hon KWONG Chi-kin
- Member attending** :
- Hon Albert HO Chun-yan
- Members absent**
- Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
  - Hon Margaret NG
  - Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
  - Hon Bernard CHAN, GBS, JP
  - Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
  - Hon WONG Yung-kan, JP
  - Hon Jasper TSANG Yok-sing, GBS, JP
  - Hon LAU Wong-fat, GBM, GBS, JP

Hon Emily LAU Wai-hing, JP  
Hon CHOY So-yuk, JP  
Hon Frederick FUNG Kin-kee, SBS, JP  
Hon WONG Kwok-hing, MH  
Hon Daniel LAM Wai-keung, SBS, JP  
Hon CHIM Pui-chung  
Hon TAM Heung-man

**Public Officers** : Item I  
**attending**

Mr Stephen LAM Sui-lung  
Secretary for Constitutional Affairs

Miss Denise YUE Chung-yee  
Secretary for the Civil Service

Mr Ian WINGFIELD  
Solicitor General

Mrs Cherry TSE LING Kit-ching  
Permanent Secretary for Constitutional Affairs

Miss Jennifer MAK Yee-ming  
Deputy Secretary for the Civil Service

Ms Fanny IP Fung-king  
Deputy Law Draftsman  
(Bilingual Drafting & Adm) (Acting)

Ms Vicki LEE Yuet-ming  
Senior Government Counsel

Mr Gary POON Wai-wing  
Principal Assistant Secretary for Constitutional Affairs

**Clerk in** : Mrs Percy MA  
**attendance** : Chief Council Secretary (2)3

**Staff in** : Mr Arthur CHEUNG  
**attendance** : Senior Assistant Legal Adviser

Mrs Eleanor CHOW  
Senior Council Secretary (2)4

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**I. Meeting with the Administration**

(CAB F19/6/3/2(2007) - Legislative Council Brief on "Re-organisation of Policy Bureaux of the Government Secretariat"

CAB F19/6/3/2(2007) - Legislative Council Brief on "Re-organisation of Policy Bureaux of the Government Secretariat : Legislative Amendments"

LC Paper No. CB(2)1868/06-07(01) - Marked-up copy of the draft Resolution under section 54A of Cap. 1

LC Paper No. CB(2)1972/06-07(01) - Background Brief prepared by the Legislative Council Secretariat

LC Paper Nos. CB(2)1969/06-07(01)-(08) - Eight papers provided by the Administration on transfer of statutory functions

LC Paper No. CB(2)1990/06-07(01) - Administration's paper on "Interpretation and General Clauses Ordinance (Replacement of Schedule 6) Order 2007"

LC Paper No. CB(2)2010/06-07(01) - Response to issue raised by members at the meeting on 28 May 2007

LC Paper No. CB(2)2010/06-07(02) - Administration's paper on "Transfer of Statutory Functions : Summary based on re-organised bureaux")

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. The Subcommittee completed scrutiny of the Resolution and the draft Interpretation and General Clauses Ordinance (Replacement of Schedule 6) Order 2007. The Chairman of the Subcommittee would make a verbal report to the House Committee at its meeting on 1 June 2007.

3. The Subcommittee noted that the Administration had given notice to move the Resolution at the Council meeting on 13 June 2007. The Subcommittee recommended that there was no need for the House Committee to set up another subcommittee to study the legislative amendments relating to the re-organisation, and there was no need for the Administration to withdraw its notice of moving the Resolution at the Council meeting on 13 June 2007. Members noted that the deadline for giving notice of amendments to the Resolution was 6 June 2007.

**II. Any other business**

4. Members agreed that the meeting originally scheduled for 1 June 2007 should be cancelled. Members also agreed that a meeting should be held on 4 June 2007 at

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2:30 pm to discuss Members' proposed amendments to the Resolution, if necessary. A circular would be issued to members inviting them to indicate their intention to brief the Subcommittee on their proposed amendments, if any.

*(Post-meeting note: Having regard to members' response and on the instruction of the Chairman, the meeting scheduled for 4 June 2007 was cancelled.)*

5. The meeting ended at 3:50 pm.

Council Business Division 2  
Legislative Council Secretariat  
13 July 2007

**Proceedings of the sixth meeting of the  
Subcommittee on Legislative Amendments Relating to the  
Proposed Re-organisation of Policy Bureaux of the Government Secretariat  
on Thursday, 31 May 2007, at 2:30 pm  
in the Chamber of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000000 - 000510	Chairman	Confirmation of minutes of meeting	
000511 - 000924	Admin Chairman SALA2	<p>Scrutiny of the draft Interpretation and General Clauses Ordinance (Replacement of Schedule 6) Order 2007 (LC Paper No. CB(2)1990/06-07(01))</p> <p>Briefing by the Administration on the statutory functions transferred from the existing bureaux to the proposed bureaux based on the demarcation of responsibilities after the reorganisation, to supplement the previous briefings (LC Paper No. CB(2)2010/06-07(02))</p>	
000925 - 003333	Chairman Miss CHAN Yuen-han SALA2 Admin	<p>Views of Ms CHAN Yuen-han -</p> <p>(a) the post of Permanent Secretary for the Environment (PS(Env)), who would continue to assume the title of the Director of Environmental Protection (DEP), would be upgraded from D6 to D8 level. Consideration should be given to re-instating the post of DEP and filling it by a qualified environmental professional instead of an Administrative Officer (AO) grade staff;</p> <p>(b) promotion prospect of the Environmental Protection Officer grade from the level of D3 (the highest grade) to D8 (as DEP) would be slim after the re-organisation; and</p> <p>(c) the proposal to provide a Commissioner for Labour post at D6 level to lead and steer the Labour Department (LD) would downgrade the importance of labour issues. Consideration should be given to have two posts of Permanent Secretary dedicated to the labour and welfare portfolios respectively</p> <p>Response of the Administration -</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>(a) the Administration would discuss with the management and departmental grade staff of the Environment Protection Department with a view to address their concerns in the latter half of 2007;</p> <p>(b) any proposal to split the PSE(Env)/DEP into two posts, if so decided by the Administration, could be implemented without any legislative amendments and only required the support of the relevant Panel, the endorsement of the Establishment Committee and the approval of the Finance Committee; and</p> <p>(c) the proposal to have two posts of Permanent Secretary dedicated to the labour and welfare portfolios respectively would involve additional manpower resources</p>	
003334 - 003811	Mr Howard YOUNG Admin	<p>Views of the Liberal Party (LP) -</p> <p>(a) LP supported the proposed re-organisation with the creation of a new bureau and one Director of Bureau;</p> <p>(b) LP had reservations on any proposal to create new positions of directorate grade without justification; and</p> <p>(c) the Administration and the relevant Panels should follow up the concerns raised by Members and the deputations after the re-organisation</p>	
003812 - 005009	Ms Audrey EU Chairman Admin SALA2	<p>Views of the Civic Party-</p> <p>(a) the DEP post should be filled by a professional grade staff instead of an AO grade staff;</p> <p>(b) as the Administration had undertaken to address the issue in the latter half of 2007, it should revert to the Panel on Environmental Affairs on further development in due course; and</p> <p>(c) consideration should be given to retitle the "Development Bureau" as "Sustainable Development Bureau" so as to reflect that the bureau would attach importance to the overall</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>sustainable development of Hong Kong, and not just the large scale infrastructure projects</p> <p>Response of the Administration -</p> <p>(a) the post holder of DEP was obliged to discharge his statutory functions effectively, irrespective of whether he was a general grade or a departmental grade officer;</p> <p>(b) the principle of sustainable development in policy formulation was adopted by all bureaux and not just the Development Bureau. Sustainable development of Hong Kong would require government-wide efforts straddling different policy areas; and</p> <p>(c) irrespective of the name of the bureau, the proposed Development Bureau would discharge its functions in a pragmatic manner with due respect to the principle of sustainable development</p>	
005010 - 005526	Mr SIN Chung-kai Admin	<p>Views of Mr SIN Chung-kai -</p> <p>(a) he would move an amendment to retitle the proposed "Commerce and Economic Development Bureau" as the "Commerce, Industry, Technology and Economy Bureau";</p> <p>(b) he supported the proposal to retitle the "Development Bureau" as "Sustainable Development Bureau"; and</p> <p>(c) he did not support the transfer of legal aid portfolio to the Home Affairs Bureau</p> <p>Response of the Administration -</p> <p>(a) it was impractical for the name of the bureau to refer to each of its policy areas specifically; and</p> <p>(b) the term "Economic Development" already reflected a portfolio including policy matters on industry, tourism, communications, technology, etc</p>	
005527 - 011157	Mr Albert HO Dr YEUNG Sum Admin	<p>Position of the Democratic Party (DP) -</p> <p>(a) DP did not support the transfer of legal</p>	

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
	Chairman SALA2 Dr Fernando CHEUNG	aid portfolio to the Home Affairs Bureau. If the Administration maintained its stance on the proposed transfer, DP might have no choice but to vote against the re-organisation proposal;  (b) the DEP post should be filled by a professional grade staff  Proposal of Dr Fernando CHEUNG to have two posts of Permanent Secretary dedicated to the labour and welfare portfolios respectively	
011158 - 011226	Mr Howard YOUNG Chairman Dr YEUNG Sum	Consideration of the Administration's response to the issues raised by Members at the meeting on 28 May 2007 (LC Paper No. CB(2)2010/06-07(01))	
011227 - 011742	Chairman Dr YEUNG Sum Mr SIN Chung-kai	Way forward and date of next meeting	