

**立法會**  
**Legislative Council**

Ref : CB2/SS/5/11

LC Paper No. CB(2)2873/11-12  
(These minutes have been seen  
by the Administration)

**Subcommittee to Study the Proposed Legislative Amendments Relating to  
the Re-organisation of the Government Secretariat**

**Minutes of the eighth meeting  
held on Tuesday, 5 June 2012, at 4:30 pm  
in Conference Room 3 of the Legislative Council Complex**

**Members present** : Hon TAM Yiu-chung, GBS, JP (Chairman)  
Hon Albert HO Chun-yan  
Hon LEE Cheuk-yan  
Dr Hon Margaret NG  
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP  
Dr Hon Philip WONG Yu-hong, GBS  
Hon WONG Yung-kan, SBS, JP  
Hon LAU Kong-wah, JP  
Hon Emily LAU Wai-hing, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon LEE Wing-tat  
Hon CHAN Kin-por, JP  
Dr Hon Priscilla LEUNG Mei-fun, JP  
Hon IP Kwok-him, GBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Dr Hon Samson TAM Wai-ho, JP  
Hon Alan LEONG Kah-kit, SC  
Hon Tanya CHAN

**Members attending** : Hon KAM Nai-wai, MH

**Members absent** : Hon Jeffrey LAM Kin-fung, GBS, JP (Deputy Chairman)  
Hon CHEUNG Man-kwong  
Hon LAU Wong-fat, GBM, GBS, JP  
Hon Miriam LAU Kin-ye, GBS, JP  
Hon Timothy FOK Tsun-ting, GBS, JP

Hon WONG Kwok-hing, MH  
Hon CHEUNG Hok-ming, GBS, JP  
Hon WONG Ting-kwong, BBS, JP  
Hon WONG Kwok-kin, BBS  
Hon IP Wai-ming, MH  
Dr Hon PAN Pey-chyou  
Hon Paul TSE Wai-chun, JP  
Hon LEUNG Kwok-hung

**Public Officers** : Office of the Chief Executive-elect  
**attending**

Mrs Fanny LAW FAN Chiu-fun  
Head of the Chief Executive-elect's Office

Ms Alice LAU Yim  
Secretary-General of the Chief Executive-elect's Office

Constitutional and Mainland Affairs Bureau

Mr Raymond TAM Chi-yuen  
Secretary for Constitutional and Mainland Affairs

Mr Gordon LEUNG Chung-tai  
Deputy Secretary for Constitutional and Mainland Affairs

Mr Freely CHENG Kei  
Principal Assistant Secretary for Constitutional and  
Mainland Affairs

Department of Justice

Mr Gilbert MO Sik-keung  
Deputy Law Draftsman  
(Bilingual Drafting & Administration)

Commerce and Economic Development Bureau

Ms Linda LAI Wai-ming  
Deputy Secretary for Commerce & Economic  
Development (Commerce & Industry) 1

Mr Joe WONG Chi-cho  
Deputy Secretary for Commerce & Economic  
Development (Communications & Technology)

Development Bureau

Miss Vivian KO Wai-kwan  
Commissioner for Heritage

Home Affairs Bureau

Miss WONG Yuet-wah  
Principal Assistant Secretary for Home Affairs (Culture) 2

**Clerk in attendance** : Miss Flora TAI  
Chief Council Secretary (2)3

**Staff in attendance** : Mr Arthur CHEUNG  
Senior Assistant Legal Adviser 2

Mr Kelvin LEE  
Assistant Legal Adviser 1

Miss Cindy HO  
Senior Council Secretary (2)3

Ms Wendy LO  
Council Secretary (2)3

Mrs Fanny TSANG  
Legislative Assistant (2)3

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Action

**I. Meeting with the Administration**

[LC Paper Nos. CB(3)735/11-12, CB(2)1908/11-12(01),  
CB(2)2105/11-12(01), CB(2)2106/11-12(01) to (02),  
CB(2)2158/11-12(01) to (03), CB(2)2164/11-12(01),  
CB(2)2193/11-12(01) and CB(2)2228/11-12(01)]

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

Follow-up actions required of the Administration

2. The Administration was requested to –

- (a) provide a written response regarding the statutory functions of the Financial Secretary ("FS") under the respective ordinances provided in the resolution;

Action

- (b) provide information concerning the ordinances relating to the regulation of chemical weapons and substances which were put under the purview of Commerce and Economic Development Bureau and the Security Bureau respectively;
- (c) provide information concerning the Bills which were currently under the scrutiny of LegCo which involved Directors of Bureaux ("DoBs") who would have their statutory functions transferred pursuant to the re-organisation proposals; and
- (d) provide information on the transfer of functions to the new Secretary for Transport and Works ("STW") regarding the five ordinances relating to the registration of professionals (i.e. Architects Registration Ordinance (Cap. 408), Engineers Registration Ordinance (Cap. 409), Landscape Architects Registration Ordinance (Cap. 516), Planners Registration Ordinance (Cap. 418) and Surveyors Registration Ordinance (Cap. 417) which involved professions not under the purview of STW.

*(Post-meeting Note: The Administration's follow up on the issues raised at the meeting was circulated to members vide LC Paper No. CB(2)2328/11-12(02) on 8 June 2012.)*

**II. Any other business**

Date of next meeting

- 3. The Chairman reminded members that the Subcommittee would hold its next meeting on 7 June 2012 at 8:30 am.
- 4. There being no other business, the meeting ended at 6:55 pm.

Council Business Division 2  
Legislative Council Secretariat  
27 September 2012

**Proceedings of the eighth meeting of the  
Subcommittee to Study the Proposed Legislative Amendments Relating to the  
Re-organisation of the Government Secretariat  
on Tuesday, 5 June 2012, at 4:30 pm  
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000801 - 000859	Chairman	Opening remarks	
000900 - 001546	Chairman Administration Mr KAM Nai-wai Mrs Sophie LEUNG Mr LEE Wing-tat	<u>Division 1 of Part 2 to Schedule 1</u> (Cont'd)  Concerns were raised by members on the transfer of statutory functions to Deputy Financial Secretary ("DFS") and Deputy Chief Secretary for Administration ("DCS").  The Administration's explanation that the Resolution involved only the transfer of statutory functions between the relevant Director of Bureaux ("DoBs") / Permanent Secretaries, and changes to obsolete titles, and the Secretaries of Departments ("SoDs") or Deputy Secretaries of Departments ("DSoDs") were not involved.	
001547 - 001731	Chairman Administration Mr LEE Wing-tat	In response to Mr LEE Wing-tat, the Administration's clarification that the new Secretary for Commerce and Industries ("SCI") would be vested with the authority to appoint members to the Appeal Board panel under the Toys and Children's Products Safety Ordinance (Cap. 424) and SCI was not required to consult Financial Secretary ("FS") under the provision.	
001732 - 001923	Chairman Mr KAM Nai-wai Administration	At the request of Mr KAM Nai-wai, the Administration undertook to provide a written response regarding the statutory functions of the FS under the respective ordinances provided in the resolution.	<b>Admin</b> (para. 2(a) of the minutes)
001924 - 003248	Chairman Administration Mr LEE Wing-tat Mr KAM Nai-wai	Regarding consumer goods safety which was under the policy portfolio of SCI, Mr LEE Wing-tat queried why the regulation of telecommunications products/facilities (under the policy portfolio of the new Secretary for Technology and Communications ("STC")) was not put under the policy portfolio of SCI.	

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		<p>The Administration's clarification that regulation of the safety standard of consumer goods was carried out by the Customs and Excise Department irrespective of the types of products. On the other hand, the regulation of telecommunications services and equipment was carried out by the Office of the Communications Authority ("OFCA") and overseen by a Permanent Secretary. With the transfer of OFCA from Commerce and Economic Development Bureau ("CEDB") to TCB, the relevant statutory functions were proposed to be transferred from Secretary for Commerce and Economic Development ("SCED") to STC.</p> <p>In response to Mr KAM Nai-wai, the Administration's clarification that SCI would be vested with the authority to appoint members to the Appeal Board panel under Consumer Goods Safety Ordinance (Cap. 456) and SCI was not required to consult FS under the provision.</p>	
003249 - 003846	Chairman Administration Mr LEE Wing-tat	In response to Mr LEE Wing-tat, the Administration's clarification that the overall portfolio for the protection of intellectual property rights should be put under SCI, despite the fact that the provisions cited by Mr LEE were relating to broadcasting, including the power to designate bodies for provision of sub-titled copies of broadcast or cable programme to people with special needs or power to designate classes of broadcast or cable programme to be recorded for archiving purposes and bodies for maintaining the archive.	
003847 - 004907	Chairman Administration Mr KAM Nai-wai Mr Albert HO Mrs Sohpie LEUNG	<p>Concerns of members as to why ordinances relating to the regulation of chemical weapons and substances were not put under the same policy bureaux. While the authority under the Chemical Weapons (Convention) Ordinance (Cap. 578) would be transferred to SCI, the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) and Dangerous Goods Ordinance (Cap. 295) which involved the regulation of chemical weapons and substances were put under the purview of the Security Bureau.</p> <p>The Administration's explanation that the main purpose of the Chemical Weapons (Convention) Ordinance was to prohibit the use and development of chemical weapons. In the Ordinance, the</p>	

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		<p>definition of chemical weapons included any toxic chemicals (excluding those chemicals not prohibited by the Convention). Therefore, the Ordinance stipulated that any person performing activities related to the concerned chemicals should apply for permits from and made declarations to the relevant authority. Before the Ordinance came into operation, the Trade and Industry Department, in accordance with the Import and Export Ordinance and Import (Cap. 60) and Export (Strategic Commodities) Regulations (Cap. 60G), had been maintaining and implementing a licensing system to control the import and export activities of the concerned chemicals.</p> <p>The Administration undertook to provide a written reponse to explain further on the issue.</p>	<p><b>Admin</b> (Para. 2(b) of the minutes)</p>
004908 - 010529	<p>Chairman Administration Mr Albert HO Head of the Chief Executive-elect's Office ("H/CEEO") Mr KAM Nai-wai Ms Emily LAU</p>	<p><u>Division 2 of Part 2 to Schedule 1</u></p> <p>Mr Albert HO's concern that the policy responsibility relating to Control of Obscene and Indecent Articles Ordinance (Cap. 390) to control articles which consisted of or contained material that was obscene or indecent etc. was to be transferred to the Secretary for Technology and Communications ("STC"). In his view, such a classification function should be transferred to the new Secretary for Culture ("S for C").</p> <p>Mr KAM Nai-wai queried the rationale for the proposed transfer of the statutory functions under the Film Censorship Ordinance (Cap. 392) from Secretary for Commerce and Economic Development ("SCED") to STC. He considered that the related functions should be transferred to S for C.</p> <p>The Administration explained that it was a trend for separating the regulating and promotion functions of certain industries within the Government in order to maintain checks and balances. The functions regarding the control of obscene and indecent articles and film censorship were now under the purview of OFCA of CEDB. With the transfer of OFCA from CEDB to the new TCB, the relevant statutory functions were proposed to be transferred from SCED to STC. On the other hand, CreateHK,</p>	

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		<p>which was set up to support projects that were conducive to the development of creative industries, such as the film industry, would be transferred to the new Culture Bureau ("CB") which was tasked to promote culture and creative industries in Hong Kong.</p>	
010530 - 011209	<p>Chairman Administration Mr Albert HO</p>	<p>Mr Albert HO's concern that the Entertainment Special Effects Ordinance (Cap. 560) which would be more related to the film industry under the portfolio of SCI was now proposed to be transferred to S for C.</p> <p>The Administration's reiteration that CreateHK, which was set up to support projects that were conducive to the development of creative industries, such as the film industry, would be transferred to the new CB as it was tasked to promote culture and creative industries in Hong Kong.</p> <p><u>Paragraph (1)(b) of the resolution</u> [with reference to Annex C to LC Paper No. CB(2)2106/11-12(01).]</p>	
011210 - 011714	<p>Chairman Administration Mr KAM Nai-wai</p>	<p><u>Paragraph (1)(d) and (1)(e) of the Resolution</u> [with reference to Annex A to LC Paper No. CB(2)2106/11-12(02).]</p> <p><u>Part 1 to Schedule 3</u> <u>Part 2 to Schedule 3</u> [with reference to Annex B to LC Paper No. CB(2)2106/11-12(02).]</p> <p>In response to Mr KAM Nai-wai, the Administration's explanation that section 7(2)(b) contained reference to "Deputy Secretary for Home Affairs (Culture and Sport)" which was an obsolete title and should be rectified and replaced by S for C as an ex officio member of the Council of the Lord Wilson Heritage Trust.</p>	
011715 - 012713	<p>Chairman Administration Mr KAM Nai-wai</p>	<p>Mr KAM Nai-wai's query why there was no mention of sections 105I, 105L and 105O for regulations relating to museums, libraries and civic centres respectively under the description for the Public Health and Municipal Services Ordinance (Cap. 132).</p>	
012714 - 013421	<p>Chairman Administration Mr Albert HO</p>	<p><u>Paragraph (1)(c) of the resolution</u> [with reference to Annex A to LC Paper No. CB(2)2158/11-12(02)]</p>	



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		<p><u>Division 1 of Part 1 to Schedule 2</u>  <u>Division 2 of Part 1 to Schedule 2</u>  <u>Division 1 of Part 2 to Schedule 2</u> [with reference to Annex B to LC Paper No. CB(2)2158/11-12(02)]</p>	
013422 - 013605	<p>Chairman Administration Mr Albert HO</p>	<p>Mr Albert HO queried why the statutory function under the Eastern Harbour Crossing Ordinance (Cap. 215) was not put under the new Transport and Works Bureau.</p> <p>The Administration's clarification that the provision referred to the statutory power to apply the Building Ordinance (Cap. 123) to the relevant construction works.</p>	
013606 - 015759	<p>Chairman Administration Mr KAM Nai-wai</p>	<p>Mr KAM Nai-wai's concerns about the Bills which were currently under scrutiny of the Legislative Council ("LegCo") and involved DoBs who would have their statutory functions transferred arising from the re-organisation proposals. In this regard, at the request of Mr KAM Nai-wai, the Administration undertook to provide written response on how references of the relevant DoBs in the ordinances would be updated.</p>	<p><b>Admin</b> (para. 2(c) of the minutes)</p>
015800 - 021442	<p>Chairman Administration Mr Albert HO Mr Kam Nai-wai Mr Albert HO H/CEEEO</p>	<p>Mr Albert HO and Mr KAM Nai-wai expressed concerns about transferring the functions to the new Secretary for Transport and Works to receive rules made by the relevant boards under the respective five ordinances relating to the registration of professionals (i.e. Architects Registration Ordinance (Cap. 408), Engineers Registration Ordinance (Cap.409), Landscape Architects Registration Ordinance (Cap. 516), Planners Registration Ordinance (Cap. 418) and Surveyors Registration Ordinance (Cap. 417)) despite the fact that amongst the various professions, the architects and planners would be more related to the Housing, Planning and Lands Bureau. They stressed that the policy considerations behind should not be overlooked and the relevant professions should be consulted regarding the arrangement. The Administration undertook to provide supplementary information on the relevant issues.</p>	<p><b>Admin</b> (para. 2(d) of the minutes)</p>
021443 - 022251	<p>Chairman Administration Mr KAM Nai-wai Administration</p>	<p><u>Division 2 of Part 2 to Schedule 2</u></p> <p>Mr KAM Nai-wai's enquiry on whether the new S for C would be underpinned by government</p>	

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		<p>departments upon taking up the policy portfolio of heritage conservation from the Secretary for Development ("SDEV"), given that land use and planning would be transferred to the Secretary for Housing, Planning and Lands.</p> <p>The Administration advised that according to SDEV, relevant policies such as declaration of a monument had been established since 2007. The new CB with the support of the Lands Department and the Antiquities and Monuments Office could work in accordance with the established policies.</p>	
022252 - 022319	Chairman	<p>Closing remarks</p> <p>Next Meeting</p>	

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