

LEGISLATIVE COUNCIL BRIEF

Interpretation and General Clauses Ordinance (Cap. 1)

DECLARATION OF CHANGE OF TITLES (STUDENT FINANCIAL ASSISTANCE AGENCY AND CONTROLLER, STUDENT FINANCIAL ASSISTANCE AGENCY) NOTICE 2015

INTRODUCTION

On 16 February 2015, the Chief Secretary for Administration made the Declaration of Change of Titles (Student Financial Assistance Agency and Controller, Student Financial Assistance Agency) Notice 2015 (the Notice) under section 55 of the Interpretation and General Clauses Ordinance (Cap. 1) at **Annex**.

JUSTIFICATIONS

2. The Chief Executive announced in his 2014 Policy Address the Government's proposal to introduce the Low-income Working Family Allowance (LIFA), with the aim to relieve the financial burden of low-income working families (especially those with children) which are not on Comprehensive Social Security Assistance, as well as to promote self-reliance and upward social mobility.

3. The administration of the LIFA Scheme will be put alongside with the schemes of the Student Financial Assistance Agency (SFAA) under the same government department. Accordingly, the Working Family and Student Financial Assistance Agency (WFSFAA) will be established on 1 March 2015. It will comprise the existing SFAA (to be renamed as the Student Finance Office) responsible to the Education Bureau for providing financial assistance to students¹, and the new Working Family Allowance Office responsible to the Labour and Welfare

¹ Except for the Continuing Education Fund which will continue to be overseen by the Labour and Welfare Bureau.

Bureau for providing financial assistance to working families.

4. The establishment of WFSFAA requires renaming the Expenditure Head 173 from “Student Financial Assistance Agency” to “Working Family and Student Financial Assistance Agency”, with “Head, Working Family and Student Financial Assistance Agency” as the Controlling Officer, as from 1 March 2015. The renaming was approved by the Legislative Council (LegCo) Finance Committee on 16 January 2015.

5. The “Student Financial Assistance Agency” is specified in Part 1 of Schedule 1 to The Ombudsman Ordinance (Cap. 397) as an organisation subject to The Ombudsman’s investigation of its actions taken in the exercise of its administrative functions. It is necessary to replace “Student Financial Assistance Agency” under Cap. 397 with “Working Family and Student Financial Assistance Agency” to tie in with the above organisational change. In addition, it is necessary to declare a change of the titles of “Student Financial Assistance Agency” and “Controller, Student Financial Assistance Agency” in any instruments, contracts or legal proceedings made or commenced before the establishment of WFSFAA to “Working Family and Student Financial Assistance Agency” and “Head, Working Family and Student Financial Assistance Agency” respectively. This would enable WFSFAA and Head, WFSFAA to take over the legal responsibilities and status of SFAA and Controller, SFAA respectively. The making of the Notice is to effect the above changes.

THE LEGISLATIVE AMENDMENTS

6. Section 1 of the Notice specifies 1 March 2015 as the commencement date of the Notice. Section 2 and Schedule 1 of the Notice declare that the titles of “Student Financial Assistance Agency” and “Controller, Student Financial Assistance Agency” will respectively be changed to “Working Family and Student Financial Assistance Agency” and “Head, Working Family and Student Financial Assistance Agency”. Section 4 of the Notice amends Part 1 of Schedule 1 to The Ombudsman Ordinance (Cap. 397) by replacing “Student Financial

Assistance Agency” with “Working Family and Student Financial Assistance Agency”. Section 5 and Schedule 2 of the Notice declare that the titles of “Student Financial Assistance Agency” and “Controller, Student Financial Assistance Agency” will respectively be substituted by “Working Family and Student Financial Assistance Agency” and “Head, Working Family and Student Financial Assistance Agency” whenever they occur in any instrument or contract made before 1 March 2015 or in any legal proceedings commenced before 1 March 2015.

LEGISLATIVE TIMETABLE

7. The Notice was gazetted on 18 February 2015 and will be tabled at LegCo for negative vetting on 25 February 2015. It will take effect on 1 March 2015.

IMPLICATIONS OF THE PROPOSAL

8. The full-year recurrent expenditure for administration of the LIFA Scheme is estimated to be \$184,368,000 per year. This includes staff cost of \$117,890,000 for 376 civil service posts to be created in WFSFAA, \$52,527,000 for other recurrent administrative expenditure, including accommodation and general departmental expenses, and \$13,951,000 for IT support. The implementation of the LIFA Scheme will also entail time-limited expenditure² and initial start-up costs³.

9. The establishment of WFSFAA is in conformity with the Basic Law, including the provisions concerning human rights. It has no

² There will be an additional staff cost of \$102,326,000 for 159 time-limited Non-Civil Service Contract (NCSC) positions up to 2017-18 (with annual cost at about \$33 million). In addition, \$5,497,000 will be required for creation of three civil service posts on a time-limited basis for about two years up to end 2016-17 for supporting the development of the IT system; and upgrading of one civil service post on a time-limited basis for three years up to late 2017 for strengthening policy support for the LIFA Scheme.

³ As regards the initial start-up costs, \$40,368,000 will be required from 2014-15 for about two years. This includes \$30,400,000 required for a time-limited Planning Team comprising 25 civil servants and three NCSC staff to be set up from 2014-15 till 2015-16 under the Labour and Welfare Bureau for planning the implementation of the Scheme, and 80 NCSC staff under the Working Family Allowance Office from late 2015 for six months to cope with the possible influx of applications upon the roll-out of the Scheme. The remaining \$9,968,000 is required for procurement of furniture and equipment and for publicity of the Scheme.

productivity, family, environmental, economic or sustainability implications. The Notice does not affect the current binding effect of The Ombudsman Ordinance (Cap. 397).

PUBLIC CONSULTATION

10. We consulted the LegCo Subcommittee on Poverty on the LIFA Scheme (including the establishment of the WFSFAA) on 27 May 2014⁴. The renaming of Expenditure Head 173 from “Student Financial Assistance Agency” to “Working Family and Student Financial Assistance Agency”, with “Head, Working Family and Student Financial Assistance Agency” as the Controlling Officer, as from 1 March 2015 was subsequently approved by the Finance Committee on 16 January 2015.

ENQUIRY

11. For enquiries, please contact Ms Jane Lee, Principal Assistant Secretary for Labour and Welfare (Poverty) at 2810 2191.

Labour and Welfare Bureau
February 2015

⁴ Members of the LegCo Panel on Welfare Services and all other LegCo Members were invited to join the discussion.

Declaration of Change of Titles (Student Financial Assistance Agency and
Controller, Student Financial Assistance Agency) Notice 2015

Section 1

1

**Declaration of Change of Titles (Student Financial
Assistance Agency and Controller, Student Financial
Assistance Agency) Notice 2015**

(Made by the Chief Secretary for Administration under section 55 of the
Interpretation and General Clauses Ordinance (Cap. 1))

1. Commencement

This Notice comes into operation on 1 March 2015.

2. Change of titles of public body and public officer

Each title specified in column 2 of Schedule 1 is declared to be
changed to the title specified opposite to it in column 3.

3. The Ombudsman Ordinance amended to reflect change of title

The Ombudsman Ordinance (Cap. 397) is amended as set out in
section 4.

**4. Schedule 1 amended (organizations to which this Ordinance
applies)**

(1) Schedule 1, Part 1—

Repeal

“Student Financial Assistance Agency.”

(2) Schedule 1, Part 1, after item “West Kowloon Cultural
District Authority.”—

Add

“Working Family and Student Financial Assistance Agency.”

Declaration of Change of Titles (Student Financial Assistance Agency and
Controller, Student Financial Assistance Agency) Notice 2015

Section 5

2

**5. Substitution of titles in other instruments, contracts or legal
proceedings**

For each title specified in column 2 of Schedule 2, the title
specified opposite to it in column 3 is substituted wherever it occurs
in an instrument or a contract made before 1 March 2015 or in any
legal proceedings commenced before that date.

Schedule 1

[s. 2]

Change of Titles of Public Body and Public Officer

Column 1 Item	Column 2 Old title	Column 3 New title
1.	Student Financial Assistance Agency	Working Family and Student Financial Assistance Agency
2.	Controller, Student Financial Assistance Agency	Head, Working Family and Student Financial Assistance Agency

Schedule 2

[s. 5]

**Substitution of Titles in Other Instruments, Contracts
or Legal Proceedings**

Column 1 Item	Column 2 Old title	Column 3 New title
1.	Student Financial Assistance Agency	Working Family and Student Financial Assistance Agency
2.	Controller, Student Financial Assistance Agency	Head, Working Family and Student Financial Assistance Agency



Chief Secretary for Administration

16 February 2015

Explanatory Note

This Notice—

- (a) declares a change in the titles of the Student Financial Assistance Agency and Controller, Student Financial Assistance Agency; and
- (b) consequentially amends references to those titles—
 - (i) in The Ombudsman Ordinance (Cap. 397); and
 - (ii) wherever occurring in any instruments, contracts or legal proceedings made or commenced before 1 March 2015.