

立法會
Legislative Council

LC Paper No. LS51/2022

**Paper for the House Committee Meeting
on 8 July 2022**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 20 June 2022**

Tabling in LegCo : Council meeting of 22 June 2022

Amendment to be made by : Council meeting of 13 July 2022 (or the first meeting of LegCo held not earlier than the 21st day after the meeting of 13 July 2022 if extended by resolution)

Interpretation and General Clauses Ordinance (Amendment of Schedule 6) Order 2022 (L.N. 149)

Section 62(1) of the Interpretation and General Clauses Ordinance (Cap. 1) provides, among other things, that where any Ordinance confers a power or imposes a duty upon the Chief Executive (“CE”) to make any subsidiary legislation or appointment, authorize any thing or matter to be done, or exercise any other power or perform any other duty, the exercise of such power or the performance of such duty may be signified under the hand of any public officer specified in Schedule 6 to Cap. 1. Section 62(3) of Cap. 1 provides that CE in Council may amend Schedule 6 by order published in the Gazette.

2. L.N. 149 is made by CE in Council under section 62(3) of Cap. 1 to amend the list of public officers specified in Schedule 6 to Cap. 1 by:

- (a) adding “Deputy Chief Secretary for Administration”, “Deputy Financial Secretary”, “Deputy Secretary for Justice”, “Secretary for Culture, Sports and Tourism” and “Secretary for Housing”;
- (b) replacing “Secretary for the Environment” with “Secretary for Environment and Ecology”;
- (c) replacing “Secretary for Food and Health” with “Secretary for Health”;

- (d) replacing “Secretary for Home Affairs” with “Secretary for Home and Youth Affairs”;
- (e) replacing “Secretary for Innovation and Technology” with “Secretary for Innovation, Technology and Industry”; and
- (f) replacing “Secretary for Transport and Housing” with “Secretary for Transport and Logistics”.

3. According to paragraph 5 of the Legislative Council (“LegCo”) Brief (File Ref: PICO CR 6/5/4 C) issued by the Constitutional and Mainland Affairs Bureau and the Policy Innovation and Co-ordination Office on 17 May 2022, an order by CE in Council to amend the list of public officers specified in Schedule 6 to Cap. 1 is one of the legislative amendments to effect the changes in the government structure from 1 July 2022. Members may refer to the LegCo Brief for details.

4. The Subcommittee to Study the Proposal for Reorganizing the Government Structure and Related Matters formed by the House Committee to study the reorganization proposal and related matters (“Subcommittee”) has considered the draft version of the order at Annex M to the LegCo Brief. No difficulties have been identified by the Subcommittee in relation to the legal and drafting aspects of the draft order. Members may refer to the Report of the Subcommittee issued on 8 June 2022 (LC Paper No. CB(2)430/2022) for details. The provisions of L.N. 149 are the same as those in the draft order considered by the Subcommittee.

5. As advised by the Clerk to the Panel on Constitutional Affairs, the Panel has not been consulted on L.N. 149.

6. L.N. 149 came into operation on 1 July 2022, i.e. the same date on which the Resolution made and passed by LegCo under section 54A of Cap. 1 on 15 June 2022 (L.N. 144 of 2022) came into operation to effect the transfer of the statutory functions exercisable by certain public officers to the public officers who take charge of the relevant policy responsibilities when the new government structure came into effect on 1 July 2022.

7. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 149.

Prepared by

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