

**工商及科技局
通訊及科技科**

香港中環花園道
美利大廈一至二樓



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**COMMUNICATIONS
AND TECHNOLOGY BRANCH
COMMERCE, INDUSTRY
AND TECHNOLOGY BUREAU**

1/F-2/F Murray Building
Garden Road
Central, Hong Kong

本局權號 OUR REF : CTB(CR) 6/9/50 (04) Pt.9
來函權號 YOUR REF :
電話 TEL. NO. : (852) 2189 2207
傳真 FAXLINE : (852) 2511 1458
電子郵件 E-mail Address:

BY FAX

(No. 2869 6794)

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10 June 2004

Miss Polly Yeung
Clerk to Panel
Legislative Council Secretariat
3/F, Citibank Tower
3 Garden Road
Hong Kong

Dear Miss Yeung,

**Review of the Government Institutional Structure
for Delivering the Information Technology Function**

We briefed the Panel at its meeting on 10 May 2004 vide CB(1)1713/03-04(03) on our proposal to merge the Information Technology Services Department (ITSD) and the IT-related divisions of the Communications and Technology Branch of the Commerce, Industry and Technology Bureau (CITB) to form a new entity within CITB with effect from 1 July 2004. The new entity, entitled the Office of the Government Chief Information Officer (OGCIO), will be responsible for IT-related policy and operational matters. A new post of Government Chief Information Officer (GCIO) will be created on 1 July 2004 to head the new entity, offset by the deletion of the Director of Information Technology Services (DITS) post on the same date.

We also advised Members of our intention to move a resolution at the Legislative Council (LegCo) meeting on 30 June 2004 under section 54A of the Interpretation and General Clauses Ordinance (IGCO) (Cap. 1) to transfer to the GCIO with effect from 1 July 2004 the functions related to the voluntary recognition scheme for certification authorities currently exercisable by DITS under the Electronic Transactions Ordinance (ETO) (Cap. 553). Section 54A of

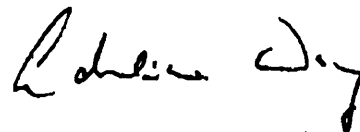
the IGCO provides that the LegCo may by resolution provide for the transfer to any public officer of any functions exercisable by virtue of any Ordinance by another public officer.

We have now received further legal advice on this matter. Since the proposed merger does not result in a transfer of functions from DITS to another public officer but only changes in the titles of "ITSD" and "DITS" to "OGCIO" and "GCIO" respectively, our intention as set out in paragraph 2 above can be effected through a declaration of change in the title of "DITS" in the ETO to "GCIO" by a notice published by the Chief Secretary for Administration (CS) under section 55 of the IGCO. This section provides that CS may by notice published in the Gazette declare a change in title of any public officer or any public body (which includes any department of the Government), and the notice may contain provisions substituting the new title in any Ordinance relating to the public officer. The notice is subsidiary legislation and is subject to the negative vetting procedure.

We now propose that, subject to the approval of the merger proposal by the Establishment Subcommittee of the Finance Committee and the Finance Committee at their respective meetings on 16 and 25 June 2004, a notice should be published by CS in the Gazette under section 55 of the IGCO on 2 July 2004 to declare a change in the title of "DITS" in the ETO to "GCIO", as well as a change in the title of "ITSD" in the Dangerous Drugs Ordinance (Cap. 134) to "OGCIO". The notice will be given retrospective effect on 1 July 2004.

I also attach the draft Gazette notice to be published under section 55 of the IGCO for Members' information please.

Yours sincerely,



(Miss Adeline Wong)

for Secretary for Commerce, Industry and Technology

cc Department of Justice (Attn: Mr Michael Lam) 2521 3275
Director of Information Technology Services (Attn: Mr Gary Lai) 2519 7320

DRAFT

**DECLARATION OF CHANGE OF TITLES (INFORMATION
TECHNOLOGY SERVICES DEPARTMENT AND
DIRECTOR OF INFORMATION TECHNOLOGY
SERVICES) NOTICE 2004**

(Made under section 55 of the Interpretation and General Clauses
Ordinance (Cap. 1))

1. Commencement

This Notice shall be deemed to have come into operation on 1 July 2004.

2. Change of titles

(1) The title of the Information Technology Services Department is declared to be changed to the Office of the Government Chief Information Officer.

(2) The title of the Director of Information Technology Services is declared to be changed to the Government Chief Information Officer.

3. Amendment of references to titles

(1) The Dangerous Drugs Ordinance (Cap. 134) is amended, in section 49A, in paragraph (a)(ii) of the definition of "employee", by substituting "Office of the Government Chief Information Officer" for "Information Technology Services Department".

(2) The Electronic Transactions Ordinance (Cap. 553) is amended –

- (a) in section 2(1), by repealing the definition of "Director";
- (b) in sections 6(2)(a) and (b), 20(1), (2), (3), (3)(b)(ii), (4) and (5), 21(1), (1)(a), (2), (3), (4), (5) and (6), 22(1), (2), (4), (5), (6), (7), (8) and (9), 23(1), (2), (3) and (4), 24(1) and (2), 25, 27(1), (3), (4), (5A), (5A)(b)(ii), (6), (6A), (6B), (6B)(a) and (b), (6C), (6C)(a) and (b) and (7), 28(1),

(3) and (4), 29(1) and (2), 30(1), 31(1) and (2), 32(1), (1)(a), (c), (f) and (g), (2) and (3), 33(1) and (3), 43(1), (1)(a)(ii), (3), (3A), (3A)(a) and (b), (3B) and (3B)(a) and (b), 43A(1), (1)(b) and (c)(ii), (3), (4), (4)(a) and (b), (5), (5)(a) and (b), (6) and (7), 44, 45(2) and 49(a) and (d), by substituting "Government Chief Information Officer" for "Director";

- (c) in the heading of Part VII, by substituting "GOVERNMENT CHIEF INFORMATION OFFICER" for "DIRECTOR".

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

(1) The title of the Office of the Government Chief Information Officer is substituted for that of the Information Technology Services Department wherever occurring in any instruments, contracts or legal proceedings made or commenced before 1 July 2004.

(2) The title of the Government Chief Information Officer is substituted for that of the Director of Information Technology Services wherever occurring in any instruments, contracts or legal proceedings made or commenced before 1 July 2004.

Chief Secretary for Administration

June 2004

Explanatory Note

This Notice –

- (a) declares a change in the titles of the Information Technology Services Department and the Director of Information Technology Services; and
- (b) consequentially amends references to those titles --
 - (i) in certain enactments; and
 - (ii) wherever occurring in any instruments, contracts or legal proceedings made or commenced before 1 July 2004.