

LEGISLATIVE COUNCIL BRIEF

Interpretation and General Clauses Ordinance
(Chapter 1)

NOTICE OF SPECIFICATION OF PUBLIC OFFICE

INTRODUCTION

A At the meeting of the Executive Council on 8 November 2005, the Council ADVISED and the Chief Executive ORDERED that the Notice of Specification of Public Office at Annex A should be made under section 43 of the Interpretation and General Clauses Ordinance to specify the office of the Chief Secretary for Administration for the purpose of four ecclesiastical Ordinances⁽¹⁾.

JUSTIFICATIONS

B 2. Four ecclesiastical Ordinances (the four Ordinances) confer certain administrative powers and impose certain duties on the office of the Chief Secretary for Administration (CS), including the arrangement to gazette relevant appointments made thereunder. Details are at Annex B. At present, the CS' personal approval is sought for publishing gazette notices on relevant appointments under the four Ordinances. These duties are routine and administrative in nature and should not require the CS' personal attention each and every time. To enable the CS' delegation of these powers and duties to other public officers, it is necessary to specify the office of the CS under section 43 of the Interpretation and General Clauses Ordinance for the purpose of the four Ordinances.

Note ⁽¹⁾ Church of England Trust Ordinance, section 3(2) and 4(1);
Hong Kong Chinese Christian Churches Union Incorporation Ordinance, section 3(1) and 3(2);
Chinese Rhenish Church, Hong Kong Synod, Incorporation Ordinance, section 3(1) and 3(2); and
Hong Kong Baptist Church Incorporation Ordinance, section 10(1).

THE NOTICE

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3. The Notice of Specification of Public Office under section 43 of the Interpretation and General Clauses Ordinance, at Annex A, specifies the office of the CS for the four Ordinances, thus enabling him to delegate to other public officers the powers and duties conferred and imposed by the aforesaid legislation.

LEGISLATIVE TIMETABLE

4. The legislative timetable is as follows -

Publication in the Gazette	18 November 2005
Tabling at the Legislative Council	23 November 2005

IMPLICATIONS OF THE PROPOSAL

5. The proposal does not affect the current binding effect of the four Ordinances. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It has no financial, civil service, economic, productivity, environmental or sustainability implications.

PUBLIC CONSULTATION

6. Public consultation is not necessary as the proposed delegation of powers and duties is an internal administrative matter of the Administration.

PUBLICITY

7. A spokesman will be available to answer media enquiries. Relevant religious organizations will be informed of the specification and the subsequent delegation pursuant to the specification.

ENQUIRIES

8. Any enquiries on this brief can be addressed to Mrs Alice Cheung, Assistant Director (Administration) at 2810 2576.

Administration Wing
Chief Secretary for Administration's Office

16 November 2005

SPECIFICATION OF PUBLIC OFFICE

(Made by the Chief Executive in Council under section 43 of the Interpretation and General Clauses Ordinance (Cap. 1))

1. Commencement

This Notice shall come into operation on 16 January 2006.

2. Specification of public office

The public office mentioned in column 1 of the Schedule is specified for the purposes of the Ordinances mentioned in column 2 of the Schedule.

SCHEDULE

[s. 2]

Public Office

Ordinance for which specified

Chief Secretary for Administration

Church of England Trust Ordinance (Chapter 1014), sections 3(2) and 4(1).

Hong Kong Chinese Christian Churches Union Incorporation Ordinance (Chapter 1025), section 3(1) and (2).

Chinese Rhenish Church, Hong Kong Synod, Incorporation Ordinance (Chapter 1060), section 3(1) and (2).

Hong Kong Baptist Church Incorporation Ordinance (Chapter 1078), section 10(1).

Clerk to the Executive Council

COUNCIL CHAMBER

2005

Explanatory Note

This Notice enables the Chief Secretary for Administration to delegate to other public officers his powers and duties under the provisions of the legislation listed in the Schedule to this Notice.

Annex B

The four ecclesiastical ordinances for which specification under section 43(1) of the Interpretation and General Clauses Ordinance is proposed to be made

Legislation/Section(s)	Nature of Power/Function
1. Church of England Trust Ordinance (Cap. 1014) s. 3(2) and 4(1)	To notify in the Gazette the giving and revocation of a dormant commission. To receive notification of and to notify in the Gazette all changes in the constitution of the trustees.
2. Hong Kong Chinese Christian Churches Union Incorporation Ordinance (Cap. 1025) s. 3(1) and (2)	To receive notification and evidence of the appointment of Chairman and Vice-chairman. To notify in the Gazette the appointment of Chairman and Vice-chairman.
3. Chinese Rhenish Church, Hong Kong Synod, Incorporation Ordinance (Cap. 1060) s. 3(1) and (2)	To receive notification and evidence of the appointment of Chairman and Vice-chairman. To notify in the Gazette the appointment of Chairman and Vice-chairman.
4. Hong Kong Baptist Church Incorporation Ordinance (Cap. 1078) s. 10(1)	To receive notification of changes in membership of the trustees.