

File Ref : CAB F19/6/3/2(2007)

LEGISLATIVE COUNCIL BRIEF

INTERPRETATION AND GENERAL CLAUSES ORDINANCE (Chapter 1)

INTERPRETATION AND GENERAL CLAUSES ORDINANCE (REPLACEMENT OF SCHEDULE 6) ORDER 2007

INTRODUCTION

At the meeting of the Executive Council on 26 June 2007, the Council ADVISED and the Chief Executive ORDERED that under section 62 of the Interpretation and General Clauses Ordinance (Cap. 1), the Interpretation and General Clauses Ordinance (Replacement of Schedule 6) Order 2007, at **Annex A**, should be made.

BACKGROUND

2. Section 62(1) of Cap. 1 provides, among other things, that where any Ordinance confers a power or imposes a duty upon the Chief Executive to make any subsidiary legislation or appointment, give any direction, issue any order, authorize any thing or matter to be done, grant any exemption, remit any fee or penalty, 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. A copy of the existing Schedule 6 is attached at **Annex B**. The Chief Executive in Council is empowered under section 62(3) of Cap. 1 to amend Schedule 6 by order published in the Gazette.

3. Pursuant to the re-organisation plan announced by the Chief Executive on 3 May 2007, there will be 12 Directors of Bureau after the re-organisation, with the net addition of one, being the Secretary for Labour and Welfare. There will be changes to the post titles of the Directors of Bureau who are to take charge of the relevant re-organised bureaux. The Resolution under section 54A of Cap. 1 to effect the transfer of statutory functions was passed by the Legislative Council on 14 June 2007. As a

result of these changes, we need to make a new order to amend the list of public officers specified in Schedule 6 to Cap 1.

THE ORDER

4. The Order sets out the list of public officers who may signify the exercise of certain powers or the performance of certain duties conferred or imposed on the Chief Executive. The new Schedule 6 contains the new titles of the Directors of Bureau who are to take charge of the relevant re-organised bureaux.

5. To tie in with the implementation of the re-organisation, **clause 1** of the Order provides that the Order shall come into force on 1 July 2007. **Clause 2** of the Order provides that the existing Schedule 6 to Cap. 1 be repealed and replaced by a new Schedule.

LEGISLATIVE TIMETABLE

6. The Order will be published in the Gazette on 29 June 2007 and tabled at the Legislative Council on 4 July 2007 for negative vetting.

IMPLICATIONS OF THE PROPOSAL

7. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. The Order has no additional financial or staffing implications. It has no productivity, environmental or sustainability implications.

8. The Order does not affect the current binding effect of the relevant ordinance.

PUBLIC CONSULTATION

9. The Order, in draft form, had been considered by a Subcommittee of the Legislative Council which was formed to study the legislative amendments relating to the proposed re-organisation of policy bureaux of the Government Secretariat. Members of the Subcommittee had no particular comment on the draft Order.

PUBLICITY

10. A Legislative Council brief has been issued on 27 June 2007.

ENQUIRIES

11. For enquiries about this brief, please contact Mr Gary POON, Principal Assistant Secretary for Constitutional Affairs, at 2810 2852.

Constitutional Affairs Bureau
27 June 2007

**INTERPRETATION AND GENERAL CLAUSES ORDINANCE
(REPLACEMENT OF SCHEDULE 6) ORDER 2007**

(Made by the Chief Executive in Council under section 62(3) of the Interpretation and General Clauses Ordinance (Cap. 1))

1. Commencement

This Order shall come into operation on 1 July 2007.

2. Schedule 6 substituted

Schedule 6 to the Interpretation and General Clauses Ordinance (Cap. 1) is repealed and the following substituted -

"SCHEDULE 6

[s. 62]

PUBLIC OFFICERS

Chief Secretary for Administration

Financial Secretary

Secretary for Justice

Secretary for the Civil Service

Secretary for Commerce and Economic Development

Secretary for Constitutional and Mainland Affairs

Secretary for Development

Secretary for Education

Secretary for the Environment

Secretary for Financial Services and the Treasury

Secretary for Food and Health

Secretary for Home Affairs

Secretary for Labour and Welfare

Secretary for Security

Secretary for Transport and Housing
Permanent Secretary
Director of Administration
Director of Home Affairs
Deputy Secretary
Deputy Director of Administration
Principal Assistant Secretary
Assistant Director of Administration".

Clerk to the Executive Council

COUNCIL CHAMBER

2007

Explanatory Note

This Order repeals the existing Schedule 6 to the Interpretation and General Clauses Ordinance (Cap. 1) and replaces it with a new Schedule for the purpose of specifying the list of public officers empowered to signify the exercise of statutory powers and the performance of statutory duties by the Chief Executive with effect from 1 July 2007.

Existing Schedule 6 to Cap 1

SCHEDULE 6

[s.62]

PUBLIC OFFICERS

Chief Secretary for Administration
Financial Secretary
Secretary for Justice
Secretary for the Civil Service
Secretary for Commerce, Industry and Technology
Secretary for Constitutional Affairs
Secretary for Economic Development and Labour
Secretary for Education and Manpower
Secretary for the Environment, Transport and Works
Secretary for Financial Services and the Treasury
Secretary for Health, Welfare and Food
Secretary for Home Affairs
Secretary for Housing, Planning and Lands
Secretary for Security
Permanent Secretary
Director of Administration
Director of Home Affairs
Deputy Secretary
Deputy Director of Administration
Principal Assistant Secretary
Assistant Director of Administration