

LEGISLATIVE COUNCIL BRIEF

The Ombudsman Ordinance
(Chapter 397)

THE OMBUDSMAN ORDINANCE (AMENDMENT OF SCHEDULE 1) ORDER 2001

INTRODUCTION

Annex A

At the meeting of the Executive Council on 27 November 2001, the Council ADVISED and the Chief Executive ORDERED that The Ombudsman Ordinance (Amendment of Schedule 1) Order 2001, at Annex A, should be made under section 24 of The Ombudsman Ordinance, to amend the list of organizations to which The Ombudsman Ordinance applies to reflect the amalgamation of the Secretariat of the Standing Commission on Civil Service Salaries and Conditions of Service and the Secretariat of the Standing Committee on Disciplined Services Salaries and Conditions of Service.

BACKGROUND AND ARGUMENT

2. There are currently four advisory bodies which advise the Government on matters relating to civil service and judicial pay and conditions of service, namely the Standing Commission on Civil Service Salaries and Conditions of Service (Standing Commission), the Standing Committee on Disciplined Services Salaries and Conditions of Service (SCDS), the Standing Committee on Directorate Salaries and Conditions of Service and the Standing Committee on Judicial Salaries and Conditions of Service (Directorate and Judicial Standing Committees). The Standing Commission and the SCDS are each supported by its dedicated Secretariat. The Directorate and Judicial Standing Committees are served by a Principal Assistant Secretary in the Civil Service Bureau on a part-time basis.

3. To streamline procedures and to improve productivity, the Administration has proposed to amalgamate the Secretariat of the Standing

Commission and the Secretariat of the SCDS into a Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service (Joint Secretariat). The Joint Secretariat will provide enhanced support services to the four afore-mentioned advisory bodies. This new organizational arrangement will also facilitate coordination among the advisory bodies in the handling of common or related issues pertaining to pay and conditions of service of the civil service and the judicial service. Following the establishment of the Joint Secretariat, the four advisory bodies will continue to deal with matters within their respective areas of responsibility independently.

4. On 9 November 2001, the Finance Committee of the Legislative Council approved the establishment of the Joint Secretariat on 1 December 2001 by merging the existing Secretariats of the Standing Commission and the SCDS.

The Ombudsman Ordinance (Amendment of Schedule 1) Order 2001

Annex B

5. The Ombudsman Ordinance (the Ordinance) empowers The Ombudsman to investigate any action taken by or on behalf of an organization specified in Part I of Schedule 1 to the Ordinance (at Annex B) in the exercise of its administrative functions. At present, The Ombudsman's jurisdiction covers all government bureaux and departments and 15 major statutory bodies.

6. Currently, the Secretariat of the Standing Commission and the Secretariat of the SCDS are specified in Part I of Schedule 1 to the Ordinance and are thus under the jurisdiction of The Ombudsman. With the disbandment of these two Secretariats and the setting up of the new Joint Secretariat on 1 December 2001, it is appropriate to remove the "Secretariat of the Standing Commission on Civil Service Salaries and Conditions of Service" and the "Secretariat of the Standing Committee on Disciplined Services Salaries and Conditions of Service" from Part I of Schedule 1 to the Ordinance and add the "Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service" to the same Schedule so that the new department will be put under the jurisdiction of The Ombudsman. Section 24 of the Ordinance provides that the Chief Executive in Council may, by order published in the Gazette, amend Schedule 1 thereto.

THE ORDER

7. **Section 1** provides that the Order shall come into operation on 1 December 2001. **Section 2** amends Part I of Schedule 1 to the Ordinance by repealing "Secretariat of the Standing Commission on Civil Service Salaries and Conditions of Service" and "Secretariat of the Standing Committee on Disciplined Services Salaries and Conditions of Service" and adding "Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service".

PUBLIC CONSULTATION

8. We have consulted the four advisory bodies on civil service and judicial salaries and conditions of service on the Joint Secretariat proposal. All of them support the proposal. The Finance Committee of the Legislative Council approved the proposal on 9 November 2001. Our intention is that The Ombudsman should, after the restructuring, have jurisdiction over the Joint Secretariat and there has not been any suggestion from the public to the contrary.

BASIC LAW IMPLICATIONS

9. The Department of Justice advises that the proposal is consistent with the Basic Law.

HUMAN RIGHTS IMPLICATIONS

10. The Department of Justice advises that the proposal has no human rights implications.

BINDING EFFECT OF THE ORDER

11. The Order will not affect the current binding effect of the Ordinance.

FINANCIAL AND STAFFING IMPLICATIONS

12. The proposal does not have any financial or staffing implications for Government.

ECONOMIC IMPLICATIONS

13. The proposal is in line with the move to streamline Government set-ups, economize on resources and enhance administrative

efficiency.

LEGISLATIVE TIMETABLE

14. The Order will be gazetted on 30 November 2001 and will be tabled in the Legislative Council on 5 December 2001 for negative vetting.

PUBLICITY

15. A spokesman will be available to answer media enquiries.

OTHERS

16. Enquiries concerning this brief should be directed to Miss CHENG Wai-fung, Acting Principal Assistant Secretary for the Civil Service, at 2810 3235.

Civil Service Bureau
29 November 2001

Annex A

**THE OMBUDSMAN ORDINANCE (AMENDMENT OF
SCHEDULE 1) ORDER 2001**

(Made by the Chief Executive in Council under section 24
of The Ombudsman Ordinance (Cap. 397))

1. Commencement

This Order shall come into operation on 1 December 2001.

**2. Organizations to which this
Ordinance applies**

Part I of Schedule 1 to The Ombudsman Ordinance (Cap. 397)

is amended by -

- (a) repealing "Secretariat of the Standing
Commission on Civil Service Salaries and
Conditions of Service.";
- (b) repealing "Secretariat of the Standing
Committee on Disciplined Services Salaries and
Conditions of Service.";
- (c) adding "Joint Secretariat for the Advisory
Bodies on Civil Service and Judicial Salaries
and Conditions of Service."

Clerk to the Executive Council

COUNCIL CHAMBER

November 2001

Explanatory Note

This Order amends the list of organizations to which The Ombudsman Ordinance (Cap. 397) applies to reflect the amalgamation of the Secretariat of the Standing Commission on Civil Service Salaries and Conditions of Service and the Secretariat of the Standing Committee on Disciplined Services Salaries and Conditions of Service.

Annex B

Chapter:	397	Title:	THE OMBUDSMAN ORDINANCE	Gazette Number:	L.N. 92 of 2001
Schedule:	1	Heading:	ORGANIZATIONS TO WHICH THIS ORDINANCE APPLIES	Version Date:	01/05/2001

[sections 2 & 24]

PART I

(Amended 44 of 1994 s. 17. Added 74 of 1996 s. 9)

Agriculture, Fisheries and Conservation Department. (Replaced L.N. 331 of 1999)
Airport Authority. (Added L.N. 155 of 1996)
All registries and administrative offices of courts and tribunals for which the Judiciary Administrator has responsibility. (Replaced L.N. 155 of 1996)
Architectural Services Department.
Audit Commission. (Amended L.N. 362 of 1997)
*Auxiliary Medical Service (department). (Added L.N. 155 of 1996. Amended 57 of 1997 s. 34)
Buildings Department. (Replaced L.N. 282 of 1993)
Census and Statistics Department.
+Civil Aid Service (department). (Added L.N. 155 of 1996. Amended 58 of 1997 s. 34)
Civil Aviation Department.
Civil Engineering Department. (Replaced L.N. 183 of 1992)
Civil Service Training and Development Institute. (Added L.N. 155 of 1996)
Companies Registry. (Added 8 of 1993 s. 28)
Correctional Services Department.
Customs and Excise Department.
Department of Health. (Added L.N. 414 of 1989)
Department of Justice. (Amended L.N. 362 of 1997)
Drainage Services Department. (Added L.N. 357 of 1989)
Education Department.
Electrical and Mechanical Services Department.
Employees Retraining Board. (Added L.N. 139 of 1999)
Environmental Protection Department.
Fire Services Department.
Food and Environmental Hygiene Department. (Added 78 of 1999 s. 7)
General Office of the Chief Executive's Office. (Added L.N. 155 of 1996. Amended 25 of 1998 s. 2)
Government Flying Service. (Added L.N. 242 of 1993)
Government Laboratory.
Government Land Transport Agency.
Government Property Agency. (Added L.N. 181 of 1991)
Government Secretariat.
Government Supplies Department.

Highways Department.
Home Affairs Department. (Replaced L.N. 155 of 1996)
Hong Kong Arts Development Council. (Added 26 of 1995 s. 20)
Hong Kong Housing Authority. (Added 44 of 1994 s. 17)
Hong Kong Housing Society. (Added L.N. 155 of 1996)
Hong Kong Monetary Authority. (Added L.N. 97 of 1993)
Hong Kong Sports Development Board. (Added L.N. 139 of 1999)
Hospital Authority. (Added L.N. 420 of 1991)
Hospital Services Department. (Added L.N. 414 of 1989)
Housing Department.
Immigration Department.
Information Services Department.
Information Technology Services Department. (Added L.N. 373 of 1989)
Inland Revenue Department.
Intellectual Property Department. (Added L.N. 236 of 1990)
Invest Hong Kong. (Added L.N. 152 of 2000)
Kowloon-Canton Railway Corporation. (Added 44 of 1994 s. 17)
Labour Department.
Land Registry. (Added 8 of 1993 s. 28)
Lands Department. (Added L.N. 282 of 1993)
Legal Aid Department.
Legislative Council Secretariat. (Replaced 14 of 1994 s. 24)
Leisure and Cultural Services Department. (Added 78 of 1999 s. 7)
Management Services Agency. (Added L.N. 383 of 1993)
Mandatory Provident Fund Schemes Authority. (Added L.N. 139 of 1999)
Marine Department.
Observatory. (Amended 25 of 1998 s. 2)
Office of the Telecommunications Authority. (Added L.N. 242 of 1993)
Official Languages Agency. (Added L.N. 155 of 1996)
Official Receiver's Office. (Added L.N. 183 of 1992)
Planning Department. (Added L.N. 414 of 1989)
Post Office.
Printing Department.
Radio Television Hong Kong.
Rating and Valuation Department.
Registration and Electoral Office. (Added L.N. 251 of 1994)
Registry of Trade Unions.
Secretariat of the Standing Commission on Civil Service Salaries and Conditions of Service. (Added L.N. 155 of 1996)
Secretariat of the Standing Committee on Disciplined Services Salaries and Conditions of Service. (Added L.N. 155 of 1996)
Securities and Futures Commission. (Added 44 of 1994 s. 17)
Social Welfare Department.
Technical Education and Industrial Training Department.
Television and Entertainment Licensing Authority.
Territory Development Department.
The Hong Kong Examinations Authority. (Added L.N. 139 of 1999)
Trade and Industry Department. (Replaced L.N. 173 of 2000)
Transport Department.
Treasury.
University Grants Committee, Secretariat. (Amended L.N. 35 of 1995)

Urban Renewal Authority (Replaced 63 of 2000 s. 38)

Vocational Training Council. (Added L.N. 155 of 1996)

Water Supplies Department.

(Enacted 1988. Amended L.N. 76 of 1989; L.N. 373 of 1989; 8 of 1993 s. 28; 78 of 1999 s. 7; 13 of 2000 s. 65; L.N. 152 of 2000; 63 of 2000 s. 38)

PART II

Independent Commission Against Corruption.

Hong Kong Auxiliary Police Force. (Amended 25 of 1998 s. 2)

Hong Kong Police Force. (Amended 25 of 1998 s. 2)

Secretariat of the Independent Police Complaints Council.

Secretariat of the Public Service Commission.

(Added 74 of 1996 s. 9)

* Please see the saving provisions contained in section 33(4) of Cap 517.

+ Please see the saving provisions contained in section 33(4) of Cap 518.