

Head 144 — GOVERNMENT SECRETARIAT: CONSTITUTIONAL AFFAIRS BUREAU

Controlling officer: the Permanent Secretary for Constitutional Affairs will account for expenditure under this Head.

Estimate 2003–04 **\$37.4m**

Establishment ceiling 2003–04 (notional annual mid-point salary value) representing an estimated 40 non-directorate posts as at 31 March 2003 reducing by one post to 39 posts as at 31 March 2004 .. **\$16.1m**

In addition there will be an estimated eight directorate posts as at 31 March 2003 and as at 31 March 2004.

Capital Account commitment balance **\$0.6m**

Controlling Officer's Report

Programmes

Programme (1) Director of Bureau's Office This programme contributes to Policy Area 27: Intra-Governmental Services (Secretary for Constitutional Affairs).

Programme (2) Constitutional Affairs This programme contributes to Policy Area 28: Constitutional Affairs (Secretary for Constitutional Affairs).

Detail

Programme (1): Director of Bureau's Office

	2001–02 (Actual)	2002–03 (Approved)	2002–03 (Revised)	2003–04 (Estimate)
Financial provision (\$m)	—	—	—	5.0

Aim

2 The aim is to ensure the smooth operation of the Office of the Secretary for Constitutional Affairs.

Brief Description

3 The Office of the Secretary for Constitutional Affairs is responsible for providing administrative support to the Secretary for Constitutional Affairs in carrying out his duties. The work includes the planning, co-ordination and implementation of all arrangements for the Secretary's public, media and community functions.

Programme (2): Constitutional Affairs

	2001–02 (Actual)	2002–03 (Approved)	2002–03 (Revised)	2003–04 (Estimate)
Financial provision (\$m)	35.2	36.6 (+4.0%)	38.5 (+5.2%)	32.4 (–15.8%)

Aim

4 The aims are to maintain community confidence in the full and faithful implementation of the Basic Law; to facilitate the implementation of "One Country, Two Systems" and demonstrate its success; to further cultivate and strengthen our cordial and constructive working relationships with the Central People's Government (CPG), other Mainland authorities and the Government of the Macao Special Administrative Region (MSAR) in accordance with the principle of "One Country, Two Systems"; to facilitate the conduct of Hong Kong Special Administrative Region (HKSAR)'s external affairs; to co-ordinate liaison with Taiwan organisations in the HKSAR; to enhance community confidence in electoral arrangements and participation in the electoral process; to ensure that the electoral arrangements are open, fair, honest, acceptable to the community and in compliance with the Basic Law; and to co-ordinate the review of the implementation of the accountability system for principal officials.

Brief Description

5 The Constitutional Affairs Bureau's main responsibilities under this programme are as follows:

- advise bureaux and departments on matters relating to the implementation of the Basic Law;
- facilitate the promotion of public awareness of the Basic Law;
- facilitate the implementation of "One Country, Two Systems" and demonstrate its success;

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- advise other bureaux and departments on matters relating to the working relationship between the Government of the HKSAR and the CPG, and other Mainland authorities and the Government of the MSAR, and facilitate official exchanges as appropriate;
- act as a focal point of contact between the Government of the HKSAR and the Mainland authorities as well as the Office of the Commissioner of the Ministry of Foreign Affairs in the HKSAR (MFA Office);
- facilitate the conduct of the HKSAR's external affairs and ensure consistency with the provisions in the Basic Law and the "One Country, Two Systems" principle;
- co-ordinate the Government's liaison with Taiwan organisations in the HKSAR;
- ensure continual development of the electoral systems in accordance with the blueprint in the Basic Law and the needs of the community; and
- co-ordinate the review of the implementation of the accountability system for principal officials.

6 Since reunification, we have played a co-ordinating and advisory role in matters relating to the implementation of the Basic Law and the principle of "One Country, Two Systems".

7 The Basic Law Promotion Steering Committee under the chairmanship of the Chief Secretary for Administration provides guidance in formulating policy and strategy for promoting the Basic Law. The Constitutional Affairs Bureau acts as the secretariat to the Steering Committee and co-ordinates the implementation of the action plans endorsed by the Steering Committee.

8 We have developed a good working relationship with the Hong Kong and Macao Affairs Office (HKMAO) of the State Council. This has facilitated official exchanges between the bureaux and departments of the Government of the HKSAR and the CPG and other Mainland authorities.

9 We have developed a good working relationship with the MFA Office on matters relating to the HKSAR's external affairs. This has enabled HKSAR to continue to participate actively in the international arena and to maintain close contacts with our overseas partners in a manner which reflects a high degree of autonomy.

10 We have developed a good working relationship with the Government of the MSAR in the spirit of mutual respect and equality.

11 To enhance regional co-operation, we have provided secretariat support for the Hong Kong/Guangdong Co-operation Joint Conference which facilitates co-operation at a high level on issues of common interest in such areas as tourism, environmental protection, cross-boundary arrangements and infrastructure, and the economic development of the Pearl River Delta.

12 Since 1 July 2002, we have taken on the responsibility of co-ordinating the Government's liaison with Taiwan organisations in the HKSAR.

13 The 2002 Chief Executive election was concluded in February 2002. The second term Chief Executive was elected in accordance with the Basic Law and the Chief Executive Election Ordinance. His five-year term commenced on 1 July 2002.

14 We have put in place the necessary legislation for conducting the 2003 District Council elections. A total of 10 elected seats have been added to Islands, Sai Kung and Yuen Long District Councils.

15 During 2002–03, we acted as the secretariat of the Steering Committee on the Accountability System for Principal Officials. We assisted in developing the structure, mechanism and details of the system and took the lead in steering the proposals through the Legislative Council.

Matters Requiring Special Attention in 2003–04

16 During 2003–04, the bureau will:

- continue to advise bureaux and departments on matters relating to the implementation of the Basic Law;
- continue to co-ordinate the promotion of the Basic Law and conduct further publicity to enhance understanding and knowledge of the Basic Law;
- continue to facilitate the implementation of the "One Country, Two Systems" principle and demonstrate its success;
- continue to advise bureaux and departments on developing and maintaining a good working relationship with their Mainland counterparts and the Government of the MSAR in line with the relevant provisions of the Basic Law and the "One Country, Two Systems" principle;
- further enhance our working relationships with the HKMAO and the MFA Office;
- continue to advise bureaux and departments on the conduct of the HKSAR's external affairs in accordance with the relevant provisions of the Basic Law and the "One Country, Two Systems" principle;
- facilitate liaison and co-operation with the Guangdong Province on matters of common interest;
- co-ordinate the Government's liaison with Taiwan organisations in the HKSAR;

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- put in place a new computer system to enhance production of electoral registers and delineation of Legislative Council geographical constituencies / District Council constituencies;
- introduce a bill into the Legislative Council to provide the legal basis for the 2004 Legislative Council elections;
- work closely with the Electoral Affairs Commission to ensure that suitable practical arrangements will be made for the 2003 District Council elections;
- consider the way forward for the review of District Council after the 2003 elections; and
- co-ordinate the review of the implementation of the accountability system for principal officials and provide a report to the Legislative Council one year after its introduction.

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ANALYSIS OF FINANCIAL PROVISION

Programme	2001-02 (Actual) (\$m)	2002-03 (Approved) (\$m)	2002-03 (Revised) (\$m)	2003-04 (Estimate) (\$m)
(1) Director of Bureau's Office	—	—	—	5.0
(2) Constitutional Affairs.....	35.2	36.6	38.5	32.4
	<u>35.2</u>	<u>36.6</u>	<u>38.5</u>	<u>37.4</u>
		(+4.0%)	(+5.2%)	(-2.9%)

Analysis of Financial and Staffing Provision

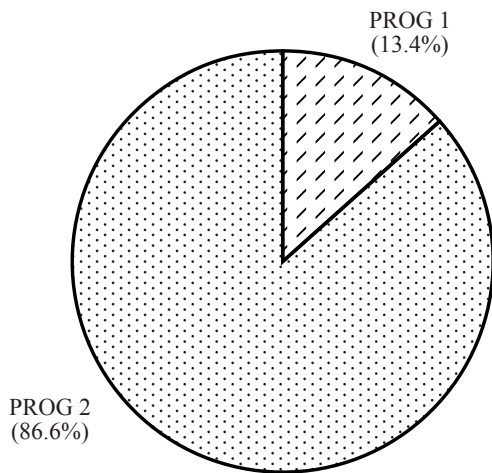
Programme (1)

Provision for 2003-04 is \$5.0 million. This is the provision for the salaries and allowances of the Secretary for Constitutional Affairs and staff in his Office.

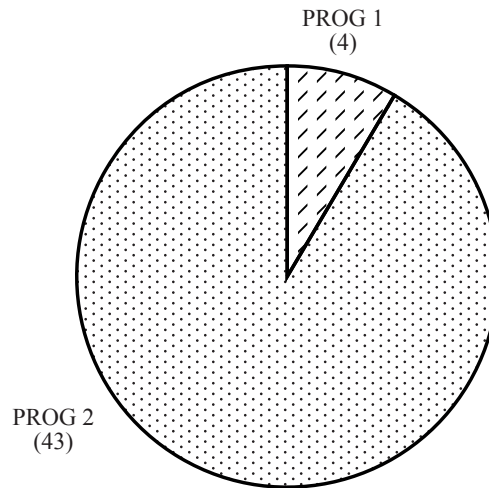
Programme (2)

Provision for 2003-04 is \$ 6.1 million (15.8%) lower than the revised estimate for 2002-03. This is mainly due to the transfer of part of the provision to Programme (1), a net deletion of one post and decreased requirements for capital expenditure.

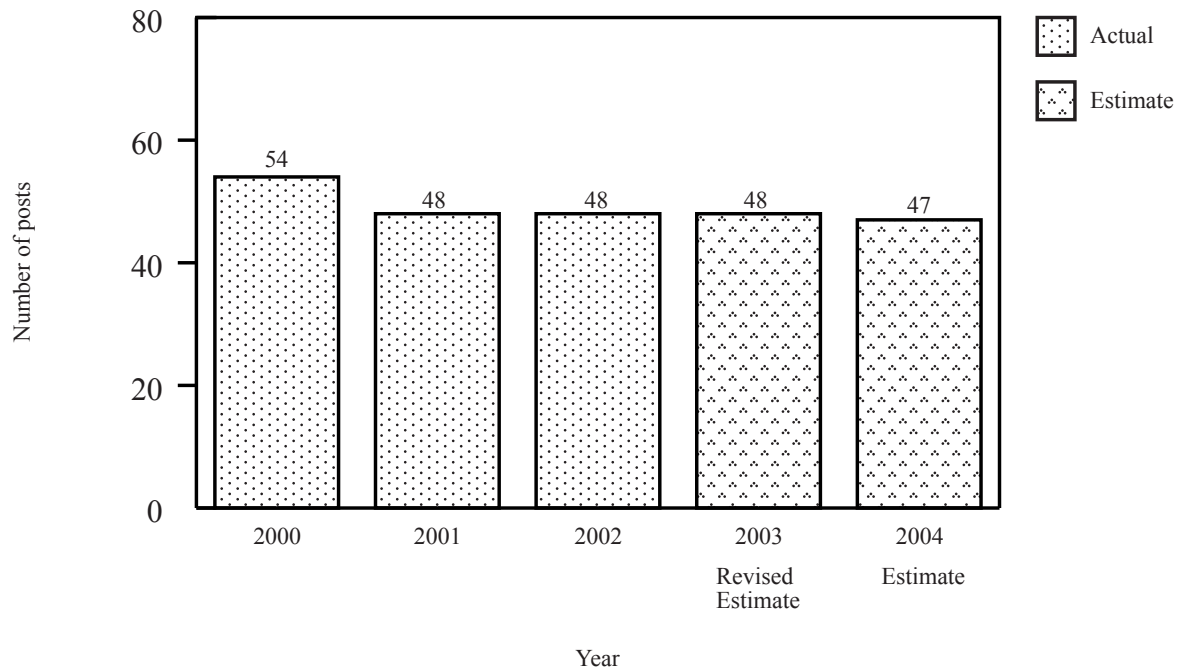
Allocation of provision to programmes (2003-04)



Staff by programme (as at 31 March 2004)



Changes in the size of the establishment (as at 31 March)



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Sub-head (Code)	Actual expenditure 2001-02	Approved estimate 2002-03	Revised estimate 2002-03	Estimate 2003-04
	\$'000	\$'000	\$'000	\$'000
Recurrent Account				
000	Operational expenses.....	—	—	36,808
	Salaries	28,153	27,251	—
	Allowances	2,425	2,827	—
	Job-related allowances	7	7	—
	General departmental expenses	2,520	3,810	—
	Total, Recurrent Account	33,105	33,895	36,808
Capital Account				
II — Other Non-Recurrent				
700	General other non-recurrent	2,089	2,680	596
	Total, Other Non-Recurrent	2,089	2,680	596
	Total, Capital Account	2,089	2,680	596
	Total Expenditure.....	35,194	36,575	37,404

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Details of Expenditure by Subhead

The estimate of the amount required in 2003–04 for the salaries and expenses of the Constitutional Affairs Bureau is \$37,404,000. This represents a decrease of \$1,047,000 against the revised estimates for 2002–03 and an increase of \$2,210,000 over actual expenditure in 2001–02.

Recurrent Account

2 Provision of \$36,808,000 under *Subhead 000 Operational expenses* is for the salaries and allowances of staff of the Constitutional Affairs Bureau and its other operating expenses. The increase of \$2,913,000 (8.6%) over the revised estimate for 2002–03 is mainly due to provision for the salary of the Secretary for Constitutional Affairs as well as for promoting the Basic Law and the implementation of “One Country, Two Systems”.

3 The establishment as at 31 March 2003 will be 48 permanent posts. It is expected that there will be a net deletion of one permanent post in 2003–04. Subject to certain conditions, the controlling officer may under delegated powers create or delete non-directorate posts during 2003–04, but the notional annual mid-point salary value of all such posts must not exceed \$16,141,000.

4 An analysis of financial provision under *Subhead 000 Operational expenses* is as follows:

	2001–02 (Actual) (\$'000)	2002–03 (Original Estimate) (\$'000)	2002–03 (Revised Estimate) (\$'000)	2003–04 (Estimate) (\$'000)
Personal Emoluments				
- Salaries.....	28,153	27,251	27,251	26,263
- Allowances.....	2,425	2,827	2,827	2,288
- Job-related allowances.....	7	7	7	7
Personnel Related Expenses				
- Mandatory Provident Fund contribution.....	—	—	—	48
Departmental Expenses				
- General departmental expenses.....	2,520	3,810	3,810	8,202
	<u>33,105</u>	<u>33,895</u>	<u>33,895</u>	<u>36,808</u>

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Capital Account

Commitments

Sub-head (Code)	Item (Code)	Ambit	Approved commitment	Accumulated expenditure to 31.3.2002	Revised estimated expenditure for 2002-03	Balance
			\$'000	\$'000	\$'000	\$'000
700		<i>General other non-recurrent</i>				
	004	Basic Law publicity campaign.....	5,560	1,238	3,726	596
		Total.....	5,560	1,238	3,726	596