

Head 144 — GOVERNMENT SECRETARIAT: CONSTITUTIONAL AFFAIRS BUREAU

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

Estimate 2004–05 **\$34.4m**

Establishment ceiling 2004–05 (notional annual mid-point salary value) representing an estimated 38 non-directorate posts as at 31 March 2004 reducing by one post to 37 posts as at 31 March 2005 .. **\$15.0m**

In addition there will be an estimated seven directorate posts as at 31 March 2004 and as at 31 March 2005.

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

	2002–03 (Actual)	2003–04 (Original)	2003–04 (Revised)	2004–05 (Estimate)
Financial provision (\$m)	—	5.0	5.0 (—)	5.0 (—)
				(or same as 2003–04 Original)

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

	2002–03 (Actual)	2003–04 (Original)	2003–04 (Revised)	2004–05 (Estimate)
Financial provision (\$m)	37.5	32.4	32.2 (-0.6%)	29.4 (-8.7%)
				(or -9.3% on 2003–04 Original)

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 relationship 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 address the issue of constitutional development after 2007.

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 and understanding of the Basic Law;
- facilitate the implementation of "One Country, Two Systems" and demonstrate its success;
- advise other bureaux and departments on matters relating to the working relationship between the Government of the HKSAR and the CPG, 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 relevant provisions of the Basic Law and the "One Country, Two Systems" principle;
- co-ordinate the Government's liaison with Taiwan organisations in the HKSAR;
- ensure development of the electoral systems in accordance with the relevant provisions of the Basic Law; and
- address the issue of constitutional development after 2007.

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 public awareness and understanding of the Basic Law. The 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. We also provided secretariat support for the Hong Kong/Shanghai Economic and Trade Co-operation Conference held in October 2003.

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 We have put in place the primary legislation for conducting the 2004 Legislative Council election. We have also delineated the constituencies for geographical election.

14 The 2003 District Council election was conducted in November 2003. Four hundred District Council members were elected in accordance with the Basic Law and the District Councils Ordinance. The second term District Councils commenced operation on 1 January 2004.

15 We have commenced public discussion on issues of principle and legislative process in the Basic Law relating to constitutional development.

Matters Requiring Special Attention in 2004–05

16 During 2004–05, 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 public awareness and understanding 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;

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- 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 and Shanghai on matters of common interest;
- co-ordinate the Government's liaison with Taiwan organisations in the HKSAR;
- work closely with the Electoral Affairs Commission to ensure that suitable practical arrangements will be made for the 2004 Legislative Council election; and
- address the issue of constitutional development after 2007.

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ANALYSIS OF FINANCIAL PROVISION

Programme	2002-03 (Actual) (\$m)	2003-04 (Original) (\$m)	2003-04 (Revised) (\$m)	2004-05 (Estimate) (\$m)
(1) Director of Bureau's Office	—	5.0	5.0	5.0
(2) Constitutional Affairs.....	37.5	32.4	32.2	29.4
	<u>37.5</u>	<u>37.4</u>	<u>37.2</u> (-0.5%)	<u>34.4</u> (-7.5%)
				(or -8.0% on 2003-04 Original)

Analysis of Financial and Staffing Provision

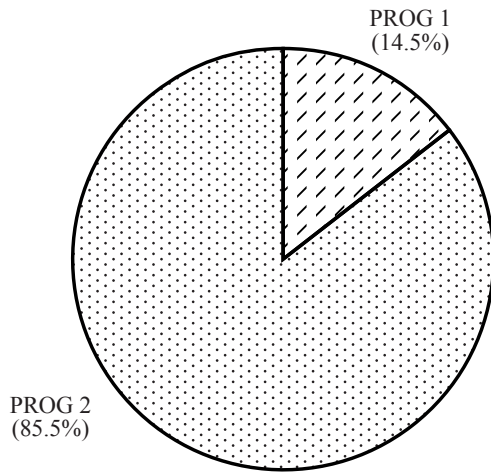
Programme (1)

Provision for 2004-05 is the same as the revised estimate for 2003-04.

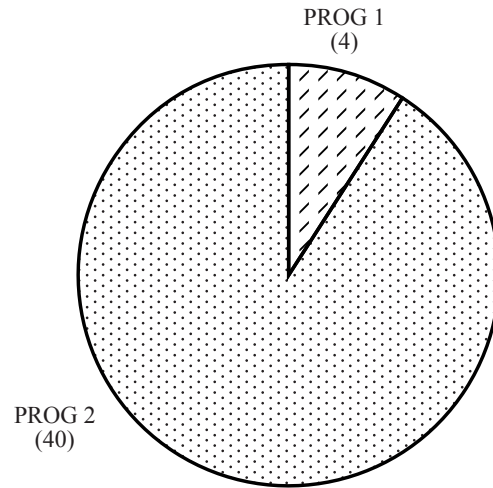
Programme (2)

Provision for 2004-05 is \$2.8 million (8.7%) lower than the revised estimate for 2003-04. This is mainly due to the completion of a non-recurrent item in relation to Basic Law promotion in 2003-04, the effect of the 2004 and 2005 civil service pay cut, deletion of one post and reduced operating expenses.

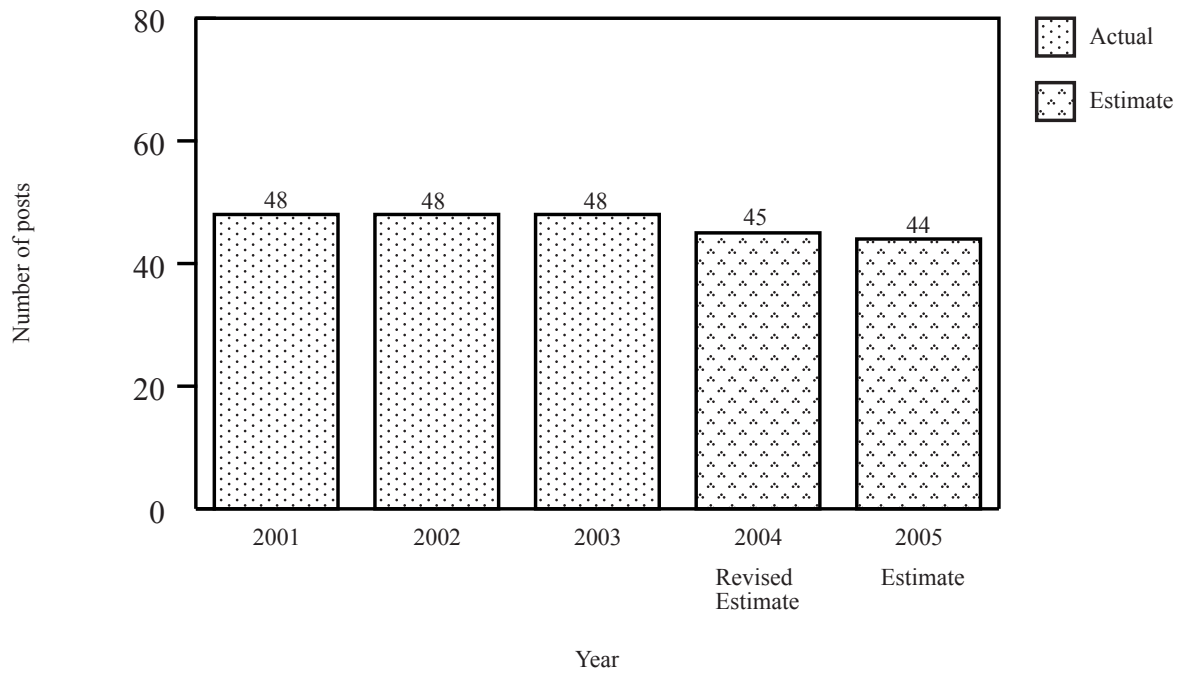
*Allocation of provision
to programmes
(2004-05)*



*Staff by programme
(as at 31 March 2005)*



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



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Sub-head (Code)	Actual expenditure 2002-03	Approved estimate 2003-04	Revised estimate 2003-04	Estimate 2004-05	
	\$'000	\$'000	\$'000	\$'000	
Operating Account					
Recurrent					
000	Operational expenses.....	—	36,808	36,632	34,442
	Salaries	27,489	—	—	—
	Allowances	2,544	—	—	—
	Job-related allowances	6	—	—	—
	General departmental expenses	2,961	—	—	—
	Total, Recurrent	<u>33,000</u>	<u>36,808</u>	<u>36,632</u>	<u>34,442</u>
Non-Recurrent					
	General non-recurrent.....	4,547	596	596	—
	Total, Non-Recurrent	<u>4,547</u>	<u>596</u>	<u>596</u>	<u>—</u>
	Total, Operating Account.....	<u>37,547</u>	<u>37,404</u>	<u>37,228</u>	<u>34,442</u>
<hr/>					
	Total Expenditure.....	<u><u>37,547</u></u>	<u><u>37,404</u></u>	<u><u>37,228</u></u>	<u><u>34,442</u></u>

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Details of Expenditure by Subhead

The estimate of the amount required in 2004–05 for the salaries and expenses of the Constitutional Affairs Bureau is \$34,442,000. This represents a decrease of \$2,786,000 against the revised estimates for 2003–04 and of \$3,105,000 against actual expenditure in 2002–03.

Operating Account

Recurrent

2 Provision of \$34,442,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Constitutional Affairs Bureau. The decrease of \$2,190,000 (6.0%) against the revised estimate for 2003–04 is mainly due to the effect of the 2004 and 2005 civil service pay cut, deletion of one post and reduced operating expenses.

3 The establishment as at 31 March 2004 will be 45 permanent posts. It is expected that there will be a deletion of one permanent post in 2004–05. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2004–05, but the notional annual mid-point salary value of all such posts must not exceed \$14,979,000.

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

	2002–03 (Actual) (\$'000)	2003–04 (Original) (\$'000)	2003–04 (Revised) (\$'000)	2004–05 (Estimate) (\$'000)
Personal Emoluments				
- Salaries.....	27,489	26,263	26,349	24,445
- Allowances.....	2,544	2,288	2,031	2,026
- Job-related allowances.....	6	7	2	—
Personnel Related Expenses				
- Mandatory Provident Fund contribution.....	—	48	60	60
Departmental Expenses				
- General departmental expenses.....	2,961	8,202	8,190	7,911
	<u>33,000</u>	<u>36,808</u>	<u>36,632</u>	<u>34,442</u>