

LCQ3: Procedures for resignation of principal officials

Following is a question by the Hon Cheung Man-kwong and a reply by the Secretary for Constitutional Affairs, Mr Stephen Lam, in the Legislative Council meeting today (April 30):

Question:

Regarding the Financial Secretary's tendering his resignation to the Chief Executive and his being asked by the latter to stay, will the Government inform this Council:

(a) of the procedures for a principal official under the accountability system to resign and for the Chief Executive to accept the resignation or to ask the official concerned to stay;

(b) of the procedure of the Chief Executive's Office for recording the resignation, acceptance of resignation and the asking of the official concerned to stay, mentioned in (a); and

(c) whether the procedures mentioned in (b) include recording the dates and times of receipt of the resignation letter from a principal official under the accountability system and the Chief Executive's asking the relevant official to stay; if so, of the dates and times of the receipt of the Financial Secretary's resignation and the Chief Executive's asking the official concerned to stay?

Reply:

Madam President,

(a) According to the contract signed between the Government

and principal official under the accountability system, a principal official may, subject to the relevant provisions of the Basic Law, resign by giving one month's prior notice or by paying the Government one month's salary in lieu of such notice. Subject to the relevant provisions of the Basic Law, the Government may terminate the employment of a principal official at any time by giving one month's prior notice or by paying the principal official one month's salary in lieu of such notice. Moreover, subject to the relevant provisions of the Basic Law, the Government and the principal official may resolve the employment contract at any time by mutual agreement.

If the resignation of a principal official is accepted by the Chief Executive, the Chief Executive would need to recommend to the Central People's Government the removal of the principal official in accordance with Article 48(5) of the Basic Law.

(b) As resignation of a principal official is a serious and sensitive matter, the Chief Executive would pass relevant documents to Director of the Chief Executive's Office who would assist in handling the matter in accordance with the contract and the Basic Law. Suitable arrangements would be made for keeping the relevant records.

(c) The Chief Executive's Office confirmed that the Chief Executive had received the Financial Secretary's resignation letter on 12 March 2003. On 15 March, the Chief Executive issued a formal criticism in respect of the Financial Secretary's mistake but was of the view that there was no need for him to resign.

End/Wednesday, April 30, 2003

NNNN