

**Subcommittee to Study the Proposed
Accountability System for Principal Officials and Related Issues**

**Resolution Under Section 54A of the
Interpretation and General Clauses Ordinance (Cap. 1)**

**Transfer of Statutory Functions
from Secretary for the Environment and Food
to Secretary for the Environment, Health and Welfare**

Introduction

This paper sets out the transfer of statutory functions currently exercisable by the Secretary for the Environment and Food to the Secretary for the Environment, Health and Welfare with effect from 1 July 2002.

The Resolution

2. The introduction of the accountability system will be accompanied by the reorganization of a number of policy bureaux. As a result, the Secretary for the Environment, Health and Welfare will be responsible for matters relating to the environment, food safety, health and welfare. The relevant statutory functions currently vested in the Secretary for the Environment and Food and the Secretary for Health and Welfare will be transferred to the Secretary for the Environment, Health and Welfare.

3. Paragraph 6(a) of the draft Resolution provides that statutory functions currently exercisable by the Secretary for the Environment and Food by virtue of the ordinances specified in column 2 of Schedule 6 to the Resolution be transferred to the Secretary for the Environment, Health and Welfare. To give full effect to the Resolution, incidental, consequential and supplemental amendments, as appropriate, are introduced. Such amendments are provided for in paragraph 6(b) and

Schedule 6 of the draft Resolution. Most of the amendments are to replace references to “Secretary for the Environment and Food” in the relevant ordinances with references to “Secretary for the Environment, Health and Welfare”. Paragraph 6 and Schedule 6 of the draft Resolution are attached at Annexes A and B respectively.

4. A summary of the major statutory functions of the Secretary for the Environment and Food under existing legislation and the textual amendments to the relevant ordinances is attached as Annex C.

Advice Sought

5. Members are invited to consider paragraph 6 and Schedule 6 of the draft Resolution.

**Statutory functions presently exercisable by Secretary for the Environment and Food (SEF)
to be transferred to Secretary for the Environment, Health and Welfare (SEHW)**

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 1 of Schedule 6	96 Forests and Countryside Ordinance	<p>This ordinance consolidates and amends the law relating to forests and plants, and provides for the protection of the countryside.</p> <p>Major function to be transferred from SEF to SEHW is:</p> <ul style="list-style-type: none"> • power to make regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 1. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 2 of Schedule 6	109 Dutiable Commodities Ordinance	<p>This ordinance amends the law relating to the taxation and control of liquors, tobacco, hydrocarbon oil, methyl alcohol and other substances, for providing for the licensing of certain dealings in liquors and for purposes connected therewith.</p> <p>Major functions to be transferred from SEF to SEHW are:</p> <ul style="list-style-type: none"> • power to appoint staff of the board established for the purpose of issuing liquor licences • power to make regulations prescribing fees for liquor licences 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 2. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 3 of Schedule 6	109B Dutiable Commodities (Liquor) Regulations	<p>These regulations provide for the establishment, composition and operation of the Liquor Licensing Board.</p> <p>Major functions to be transferred from SEF to SEHW are:</p> <ul style="list-style-type: none"> • power to prescribe fees for liquor licences • power to appoint a secretary and a legal adviser to the Liquor Licensing Board 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 3. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 4 of Schedule 6	132 Public Health and Municipal Services Ordinance	<p>This ordinance provides for public health and municipal services.</p> <p>Major functions to be transferred from SEF to SEHW are:</p> <ul style="list-style-type: none"> • power to make regulations as to composition of food and drugs, etc. • powers to appoint members of the Licensing Appeals Board • to be designated as the Authority for the purposes of sections 15, 26, 28, 29, 35, 42, 49, 77, 80, 83A, 92B, 94A, 104, 116, 123, 123C, 124E and 124I of the ordinance 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 4. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 5 of Schedule 6	132AQ Milk Regulation	<p>This regulation secures the observance of sanitary and cleanly conditions and practices and wholesome methods in connection with-</p> <p>(a) the sale of food for human consumption or drugs for use by man;</p> <p>(b) the manufacture, preparation, transport, storage, packaging; marking, exposure for sale, service or delivery of food intended for sale or sold for human consumption and drugs intended for sale or sold for use by man, and ice, or otherwise for the protection of the public health in connection with any such matters.</p> <p>Major function to be transferred from SEF to SEHW is:</p> <ul style="list-style-type: none"> power to amend Schedule 1 to the Regulation 	<ul style="list-style-type: none"> Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 5. Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 6 of Schedule 6	133 Pesticides Ordinance	<p>This ordinance provides the registration and control of pesticides.</p> <p>Major function to be transferred from SEF to SEHW is:</p> <ul style="list-style-type: none"> • power to make regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 6. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 7 of Schedule 6	139N Public Health (Animals and Birds) (Chemical Residues) Regulation	<p>This regulation provides for the regulation of chemical residues in food.</p> <p>Major function to be transferred from SEF to SEHW is:</p> <ul style="list-style-type: none"> power to appoint a day on which this Regulation will come into effect 	<ul style="list-style-type: none"> Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 7. Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 8 of Schedule 6	167 Dogs and Cats Ordinance	<p>This ordinance provides for the keeping, regulation and control of dogs and cats and for the prohibition of the slaughter of dogs and cats.</p> <p>Major function to be transferred from SEF to SEHW is:</p> <ul style="list-style-type: none"> • power to amend any Schedule to the regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 8. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 9 of Schedule 6	170 Wild Animals Protection Ordinance	<p>This ordinance provides for the conservation of wild animals.</p> <p>Major function to be transferred from SEF to SEHW is:</p> <ul style="list-style-type: none"> • power to amend Schedules 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 9. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 10 of Schedule 6	187 Animals and Plants (Protection of Endangered Species) Ordinance	<p>This ordinance restricts the importation, exportation and possession of certain animals and plants, and parts of such animals and plants.</p> <p>Major function to be transferred from SEF to SEHW is:</p> <ul style="list-style-type: none"> • power to amend Schedules 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 10. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 11 of Schedule 6	277 Agricultural Products (Marketing) Ordinance	<p>This ordinance provides for the improvement of agriculture, the marketing of agricultural products, and encourages co-operative markets.</p> <p>Major function to be transferred from SEF to SEHW is:</p> <ul style="list-style-type: none"> • power to issue certificates as conclusive evidence for all purposes whatsoever as to who is or was the Director of Marketing for the purposes of this Ordinance 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 11. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 12 of Schedule 6	311 Air Pollution Control Ordinance	<p>This ordinance provides for abating, prohibiting and controlling pollution of the atmosphere and for matters connected therewith.</p> <p>Major functions to be transferred from SEF to SEHW are:</p> <ul style="list-style-type: none"> • power to publish approved methods or standards for the purpose of this Ordinance • power to establish quality objectives for the purpose of this Ordinance • power to give direction in which the Authority should exercise his powers • power to issue technical memoranda relating to air pollution • powers relating to applications for renewal and transfer of licences • power to specify information to be furnished to the Authority for the purpose of this Ordinance • powers relating to removal of exemption to certain classes of existing premises • powers relating to cessation of exemption in certain circumstances and application of licence • power to issue codes of practice • power to determine the form of a register of information to be kept by the Authority • powers relating to the protection of private information from publicity • power to make regulations • powers relating to the investigation of asbestos 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 12. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 13 of Schedule 6	311D Air Pollution Control (Appeal Board) Regulations	<p>These regulations provide for the procedures for proceedings of the Appeal Board constituted under the Air Pollution Control Ordinance (Cap.311).</p> <p>Major functions to be transferred from SEF to SEHW are:</p> <ul style="list-style-type: none"> • powers and functions relating to appeals lodged with the Appeal Board 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 13. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 14 of Schedule 6	311F Air Pollution Control (Specified Processes) Regulations	<p>These regulations provide for the conduct of specified process for the purpose of the Air Pollution Control Ordinance (Cap. 311).</p> <p>Major functions to be transferred from SEF to SEHW are:</p> <ul style="list-style-type: none"> • function to receive a copy of Form 5 (Notice of Objection) • power to direct renewal or transfer of a licence and cessation of an exemption with application for a licence 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 14. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 15 of Schedule 6	354 Waste Disposal Ordinance	<p>This ordinance provides for the control and regulation of the production, storage, collection and disposal including the treatment, reprocessing and recycling of waste of any class or description, the licensing and registration of places and persons connected with any such activity, and the protection and safety of the public in relation to any such activity.</p> <p>Major functions to be transferred from SEF to SEHW are:</p> <ul style="list-style-type: none"> • power and functions relating to the preparation of waste disposal plan • powers relating to arrangements for waste disposal • power to issue codes of practice • power to amend Schedules 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 15. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 16 of Schedule 6	354K Waste Disposal (Charges for Disposal of Waste) Regulation	<p>This regulation provides for the charges of disposal of waste.</p> <p>Major function to be transferred from SEF to SEHW is:</p> <ul style="list-style-type: none"> power to appoint a day on which this Regulation will come into effect 	<ul style="list-style-type: none"> Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 16. Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 17 of Schedule 6	354L Waste Disposal (Designated Waste Disposal Facility) Regulation	<p>This regulation provides for the designated waste disposal facility.</p> <p>Major function to be transferred from SEF to SEHW is:</p> <ul style="list-style-type: none"> • power to amend Schedule 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 17. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.
Item 18 of Schedule 6	358 Water Pollution Control Ordinance	<p>This ordinance controls the pollution of the waters of Hong Kong.</p> <p>Major functions to be transferred from SEF to SEHW are:</p> <ul style="list-style-type: none"> • power to establish water quality objectives for each water control zone • power to give directions to Director Environmental Protection as to the manner of the latter’s exercising certain powers • power to issue technical memorandums • power to determine the form to be kept by the registrar concerning a discharge or a deposit • power to determine the place at which the forms 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 18. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
		<p>should be opened for inspection</p> <ul style="list-style-type: none"> • power to determine whether to protect any information from public access • power to impose fees and charges 	<ul style="list-style-type: none"> - <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.
Paragraph (6)(b)(ii)	Cap. 358C Water Pollution Control (Appeal Board) Regulations	<p>These regulations provides for the proceedings of the Appeal Board constituted under the Water Pollution Control Ordinance (Cap.358).</p> <p>Form 1 of the Schedule is the form used for lodging appeals against a requirement or decision of the Director of Environmental Protection or SEF under the Water Pollution Control Ordinance.</p>	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 18A. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> Form 1 of the Schedule is amended by repealing “Secretary” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> Form 1 of the Schedule is by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.
Paragraph (6)(b)(iii)	Cap. 358AL Water Pollution Control (Sewerage) Regulation	<p>This regulation provides for matters relating to the construction, maintenance, repair and demolition of sewerage.</p> <p>Major functions to be transferred from SEF to SEHW are:</p> <ul style="list-style-type: none"> • power and functions relating to the handling of claims and objections • power to request claimant to give particulars of the 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 18B. • Provisions requiring amendments have been marked-up. The amendments are as follows:

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
		<p>claim</p> <ul style="list-style-type: none"> • power to admit or reject claims • power and functions relating to proceedings of the Lands Tribunal • power to require a claimant to surrender his documents of title 	<p>- <u>English text</u></p> <p>(a) Part I of Schedule 1 is amended by repealing “Secretary” and substituting “Secretary for the Environment, Health and Welfare”.</p> <p>(b) Section 2(a)(iii) of Part II of Schedule 2 is amended by repealing paragraph (a)(iii) and substituting by “(iii) in the definition of “Secretary”, repeal “Secretary for Transport and Works” and substitute “Secretary for the Environment, Health and Welfare””. This allows Roads (Works, Use and Compensation) Ordinance (Cap. 370) to be applicable to works or the construction, maintenance, repair or demolition of sewerage under this Regulation, with SEHW carrying out the roles of Secretary for Transport and Works in Cap. 370.</p> <p>- <u>Chinese text</u></p> <p>(a) Part I of Schedule 1 is amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.</p> <p>(b) Section 2(a)(iii) of Part II of Schedule 2 is amended by repealing paragraph (a)(iii) and substituting by “(iii) 在 “局” 長” 的定義中，廢除 “運輸及工務局局長” 而代以 “環境及衛生福利局局長”” for the purpose specified above.</p>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 19 of Schedule 6	400 Noise Control Ordinance	<p>This ordinance provides for the prevention, minimizing and abatement of noise; the appointment of a Noise Control Authority; and the powers and duties of the Noise Control Authority relating to the control of noise.</p> <p>Major functions to be transferred from SEF to SEHW are:</p> <ul style="list-style-type: none"> • powers to establish an area as a designated area and to issue technical memoranda • power to set the maximum duration of an audible signal emitted by an intruder alert system after the signal is activate • power to set the maximum duration of an audible signal emitted by an intruder alert system installed in a vehicle after the signal is activate • power to make regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 19. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 20 of Schedule 6	400B Noise Control (Appeal Board) Regulations	<p>These regulations provide for matters relating to appeals under the Noise Control Ordinance (Cap.400).</p> <p>Major function to be transferred from SEF to SEHW is:</p> <ul style="list-style-type: none"> function to receive notice of appeals on behalf the Chairman of the Appeal Board 	<ul style="list-style-type: none"> Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 20. Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 21 of Schedule 6	403 Ozone Layer Protection Ordinance	<p>This ordinance gives effect to Hong Kong's international obligations under the 1985 Vienna Convention for the Protection of the Ozone Layer and the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer; provides for the prohibition of the manufacture of, and controls the importation and exportation of, and conserves the resources of, substances that deplete the ozone layer and of products containing or made with those substances.</p> <p>Major functions to be transferred from SEF to SEHW are:</p> <ul style="list-style-type: none"> • powers to receive, consider and approve claims for return of things forfeited under section 14(4A) of the ordinance • power to amend Schedule to the ordinance • power to make regulations after consultation with the Advisory Council on Environment 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 21. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 22 of Schedule 6	421 Rabies Ordinance	<p>This ordinance provides for the prevention and control of rabies.</p> <p>Major functions to be transferred from SEF to SEHW are:</p> <ul style="list-style-type: none"> • powers to appoint the Appeal Board Panel and the Appeal Board • function relating to appeals lodged to the Appeal Board 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 22. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.
Item 23 of Schedule 6	450 Environment and Conservation Fund Ordinance	<p>This ordinance establishes a trust fund called the Environment and Conservation Fund and provides for its administration.</p> <p>Major functions to be transferred from SEF to SEHW are:</p> <ul style="list-style-type: none"> • functions to serve as the trustee for the fund and powers relating to the fund thus arising • functions to serve as an ex-officio member of the Environment and Conservation Fund Committee 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 23. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> (a) Section 2 is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
			<p>(b) Section 10 is amended by repealing everything after “before” and substituting “1 January 2000 has effect –</p> <p>(a) on and after that but before 1 July 2002 as if done by the Secretary for the Environment and Food; and</p> <p>(b) on and after 1 July 2002 as if done by the Secretary for the Environment, Health and Welfare.”</p> <p>This is to ensure that anything previously done under by the relevant bureau secretaries will continue to have effect upon the re-organization of bureaux as if it is done by SEHW.</p> <p>- <u>Chinese text</u></p> <p>(a) Section 2 is amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.</p> <p>(b) Section 10 is amended by repealing everything after “緊接” and substituting “2000年1月1日前是有效的事情 –</p> <p>(a) 在該日期當日直至2002年7月1日之前依然有效，猶如它們是由環境食物局局長作出的一樣；及</p> <p>(b) 在2002年7月1日當日及以後依然有效，猶如它們是由環境及衛生福利局局長作出的一樣。”</p> <p>for the purpose specified above.</p>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 24 of Schedule 6	466 Dumping at Sea Ordinance	<p>This ordinance controls the disposal of substances and articles at sea and the dumping of substances and articles in the sea and under the sea-bed.</p> <p>Major functions to be transferred from SEF to SEHW are:</p> <ul style="list-style-type: none"> • power to specify that certain operations do not need a permit • power to specify the offices at which public may inspect technical memorandum • duty to publish technical memorandum in the Gazette and table it at the LegCo 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 24. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 25 of Schedule 6	476 Marine Parks Ordinance	<p>This ordinance provides for the designation, control and management of marine parks and marine reserves.</p> <p>Major function to be transferred from SEF to SEHW is:</p> <ul style="list-style-type: none"> • powers to make regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 25. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 26 of Schedule 6	476A Marine Parks and Marine Reserves Regulation	<p>This regulation prohibits and controls certain activities in a marine park or marine reserve.</p> <p>Major function to be transferred from SEF to SEHW is:</p> <ul style="list-style-type: none"> • power to amend Schedule 1 – list of special zones 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 26. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 27 of Schedule 6	490 Plant Varieties Protection Ordinance	<p>This ordinance provides for the protection of plant varieties.</p> <p>Major functions to be transferred from SEF to SEHW are:</p> <ul style="list-style-type: none"> • power to amend schedule of plants to which the ordinance applies • power to make regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 27. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 28 of Schedule 6	496 Whaling Industry (Regulation) Ordinance	<p>This ordinance gives effect to the International Convention for the Regulation of Whaling signed at Washington on 2 December 1946; prohibits the taking, towing or treating of whales within the waters of Hong Kong; prohibits the taking, towing or treating of whales by any Hong Kong ship or Hong Kong aircraft outside the waters of Hong Kong without a licence or permit; and provides measures for the conservation and utilisation of whales elsewhere.</p> <p>Major functions to be transferred from SEF to SEHW are:</p> <ul style="list-style-type: none"> • power to amend schedule of names of whales • power to specify by descriptions whales to which sections 6 to 8 of the ordinance shall apply • power relating to granting of licences • power to make regulations prescribing the sum of money to be paid to the master of the ship on which inspection is conducted 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Licensing Authority/發牌當局” are reproduced at Appendix 28. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 29 of Schedule 6	499 Environmental Impact Assessment Ordinance	<p>This ordinance provides for assessing the impact on the environment of certain projects and proposals and for protecting the environment.</p> <p>Major functions to be transferred from SEF to SEHW are:</p> <ul style="list-style-type: none"> • power to amend schedules of designated projects • power to consent to Director of Environmental Protection's (DEP) decision to approve direct application of an environmental permit • power to consent to DEP's decision to suspend, vary or cancel an environmental permit • power to issue technical memoranda • power to consent to DEP's decision to issue cessation order • power to make regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 29. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 30 of Schedule 6	529 Veterinary Surgeons Registration Ordinance	<p>This ordinance provides for the regulation of the practice of veterinary surgery, the registration of veterinary surgeons and the disciplinary control of the professional activities of registered veterinary surgeons.</p> <p>Major functions to be transferred from SEF to SEHW are:</p> <ul style="list-style-type: none"> • power to appoint members of Veterinary Surgeons Board • power to amend the schedule of provisions that have effect as respects the Board and its member • power to receive qualification standards set by the Board • power to make regulations • power to amend the schedule of exemptions from the ordinance • power to appoint a secretary and a legal adviser to the Board 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 30. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 31 of Schedule 6	570 Fixed Penalty (Public Cleanliness Offences) Ordinance	<p>This ordinance provides for a fixed penalty to be payable for certain offences relating to public cleanliness.</p> <p>Major functions to be transferred from SEF to SEHW are:</p> <ul style="list-style-type: none"> • power to appoint the commencement date of the ordinance • power to make regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 31. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 32 of Schedule 6	1 of 2002 Public Health and Municipal Services (Amendment) Ordinance 2002	<p>This ordinance amends the Public Health and Municipal Services Ordinance (Cap. 132).</p> <p>Major functions to be transferred from SEF to SEHW are:</p> <ul style="list-style-type: none"> • power to appoint secretary and other staff to the Appeal Board • power to be consulted when rules are made 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 32. • Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> - <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 33 of Schedule 6	L.N. 44 of 2002 Fixed Penalty (Public cleanliness Offences) Regulation	<p>This regulation specifies the forms of notices and method of payment of fixed penalty.</p> <p>Major function to be transferred from SEF to SEHW is:</p> <ul style="list-style-type: none"> power to appoint commencement date of the regulation 	<ul style="list-style-type: none"> Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 33. Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Health and Welfare”. <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境及衛生福利局局長”.