

**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 Works
to Secretary for Transport and Works**

Introduction

This paper sets out the transfer of statutory functions currently exercisable by the Secretary for Works to the Secretary for Transport and Works 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 Transport and Works will be responsible for matters relating to transport and works. The relevant statutory functions currently vested in the Secretary for Works and the Secretary for Transport will be transferred to the Secretary for Transport and Works.

3. Paragraph 13(a) of the draft Resolution provides that statutory functions currently exercisable by the Secretary for Works by virtue of the ordinances specified in column 2 of Schedule 13 to the Resolution be transferred to the Secretary for Transport and Works. To give full effect to the Resolution, incidental, consequential and supplemental amendments, as appropriate, are introduced. Such amendments are provided for in paragraph 13(b) and Schedule 13 of the draft Resolution. Most of the amendments are to replace references to “Secretary for Works” in the relevant ordinances with references to “Secretary for Transport and Works”. Paragraph 13 and Schedule 13 of the draft Resolution are attached at Annexes A and B respectively.

4. The opportunity is also taken to improve the definition clause of the Builders' Lifts and Tower Working Platforms (Safety) Ordinance. The definition of "Secretary" is only provided for in the English text. A corresponding definition would be added to the Chinese text.

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

Advice Sought

6. Members are invited to consider paragraph 13 and Schedule 13 of the draft Resolution.

**Statutory functions presently exercisable by Secretary for Works (S for W)
to be transferred to Secretary for Transport and Works (STW)**

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 1 of Schedule 13	196 Defences (Firing Areas) Ordinance	<p>This ordinance regulates practice firing within firing areas and for clearing of firing areas.</p> <p>Major function to be transferred from S for W to STW is:</p> <ul style="list-style-type: none"> function of being one of those persons who are supplied with programmes, notices and charts under this Ordinance 	<ul style="list-style-type: none"> Provisions containing references to “Secretary for Works/工務局局長” 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 Works” and substituting “Secretary for Transport and Works”. <u>Chinese text</u> The relevant provision is amended by repealing “工務局局長” and substituting “運輸及工務局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 2 of Schedule 13	408 Architects Registration Ordinance	<p>This ordinance provides for the registration of architects and disciplinary control of the professional activities of registered architects.</p> <p>Major function to be transferred from S for W to STW is:</p> <ul style="list-style-type: none"> • function to receive rules made by the Architects Registration Board 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Works/工務局局長” 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 provision is amended by repealing “Secretary for Works” and substituting “Secretary for Transport and Works”. - <u>Chinese text</u> The relevant provision is amended by repealing “工務局局長” and substituting “運輸及工務局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 3 of Schedule 13	409 Engineers Registration Ordinance	<p>This ordinance provides for the registration of professional engineers, the recognition of disciplines within the profession and disciplinary control of the professional activities of registered professional engineers.</p> <p>Major function to be transferred from S for W to STW is:</p> <ul style="list-style-type: none"> • function to receive rules made by the Engineers Registration Board 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Works/工務局局長” 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 provision is amended by repealing “Secretary for Works” and substituting “Secretary for Transport and Works”. - <u>Chinese text</u> The relevant provision is amended by repealing “工務局局長” and substituting “運輸及工務局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 4 of Schedule 13	417 Surveyors Registration Ordinance	<p>This ordinance provides for the registration of professional surveyors, the recognition of divisions within the profession and disciplinary control of the professional activities of registered professional surveyors.</p> <p>Major function to be transferred from S for W to STW is:</p> <ul style="list-style-type: none"> • function to receive rules made by the Surveyors Registration Board 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Works/工務局局長” 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 provision is amended by repealing “Secretary for Works” and substituting “Secretary for Transport and Works”. - <u>Chinese text</u> The relevant provision is amended by repealing “工務局局長” and substituting “運輸及工務局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 5 of Schedule 13	418 Planners Registration Ordinance	<p>This ordinance provides for the registration of planners and disciplinary control of the professional activities of registered professional planners.</p> <p>Major function to be transferred from S for W to STW is:</p> <ul style="list-style-type: none"> • function to receive rules made by the Planners Registration Board 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Works/工務局局長” 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 Works” and substituting “Secretary for Transport and Works”. - <u>Chinese text</u> The relevant provision is amended by repealing “工務局局長” and substituting “運輸及工務局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 6 of Schedule 13	463 Sewage Services Ordinance	<p>This ordinance provides for the imposition of sewage charges and trade effluent surcharges.</p> <p>Major function to be transferred from S for W to STW is:</p> <ul style="list-style-type: none"> power to issue a technical memorandum setting out the procedures and methods for matters applicable to analysis of trade effluents 	<ul style="list-style-type: none"> Provisions containing references to “Secretary for Works/工務局局長” 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 provision is amended by repealing “Secretary for Works” and substituting “Secretary for Transport and Works”. <u>Chinese text</u> The relevant provision is amended by repealing “工務局局長” and substituting “運輸及工務局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 7 of Schedule 13	463 B Sewage Services (Trade Effluent Surcharge) Regulation	<p>This regulation provides for the imposition of sewage charges and trade effluent surcharges.</p> <p>Major function to be transferred from S for W to STW is:</p> <ul style="list-style-type: none"> power to issue a technical memorandum setting out the procedures and methods for the testing of the samples and for the approval of laboratories, etc. 	<ul style="list-style-type: none"> Provisions containing references to “Secretary for Works/工務局局長” 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 Works” and substituting “Secretary for Transport and Works”. <u>Chinese text</u> The relevant provision is amended by repealing “工務局局長” and substituting “運輸及工務局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 8 of Schedule 13	470 Builders' Lifts and Tower Working Platforms (Safety) Ordinance	<p>This ordinance provides for the design, construction, installation and maintenance in safe working order of builders' lifts and tower working platforms, and for the examination and testing of such lifts and platforms.</p> <p>Major functions to be transferred from S for W to STW are:</p> <ul style="list-style-type: none"> • power relating to the hearing of any matter by a disciplinary tribunal • powers relating to the appointment of members to a disciplinary tribunal, a disciplinary tribunal panel, an appeal board and an appeal board panel 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Works/工務局局長” 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 definition of “Secretary” in section 2 is repealed and substituted by “ “Secretary” (局長) means the Secretary for Transport and Works”. - <u>Chinese text</u> “ “局長” (Secretary) 指運輸及工務局局長” is added to section 2. <p>Other relevant provisions are amended by repealing “工務局局長” and substituting “局長”.</p>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 9 of Schedule 13	516 Landscape Architects Registration Ordinance	<p>This ordinance provides for the registration of professional landscape architects and disciplinary control of the professional activities of registered professional landscape architects.</p> <p>Major function to be transferred from S for W to STW is:</p> <ul style="list-style-type: none"> • function to receive rules made by the Landscape Architects Registration Board 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Works/工務局局長” 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 provision is amended by repealing “Secretary for Works” and substituting “Secretary for Transport and Works”. - <u>Chinese text</u> The relevant provision is amended by repealing “工務局局長” and substituting “運輸及工務局局長”.