

**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 Health and Welfare
to Secretary for the Environment, Health and Welfare**

Introduction

This paper sets out the transfer of statutory functions currently exercisable by the Secretary for Health and Welfare 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 Health and Welfare and the Secretary for the Environment and Food will be transferred to the Secretary for the Environment, Health and Welfare.

3. Paragraph 7(a) of the draft Resolution provides that statutory functions currently exercisable by the Secretary for Health and Welfare by virtue of the ordinances specified in column 2 of Schedule 7 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 7(b) and Schedule 7 of the draft Resolution. Most of the amendments are to

replace references to “Secretary for Health and Welfare” in the relevant ordinances with references to “Secretary for the Environment, Health and Welfare”. Paragraph 7 and Schedule 7 of the draft Resolution are attached at Annexes A and B respectively.

4. The opportunity is also taken to improve the definition clauses of some ordinances. In three ordinances (Smoking (Public Health) Ordinance, Hong Kong War Memorial Pensions Ordinance and Social Workers Registration 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 Health and Welfare 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 7 and Schedule 7 of the draft Resolution.

**Statutory functions presently exercisable by Secretary for Health and Welfare (SHW)
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 7	113 Hospital Authority Ordinance	<p>This ordinance provides for the establishment of a body corporate (Hospital Authority (HA)) to manage and control public hospitals for provision therein of hospital services.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • power to direct HA to determine hospital service fees • power to approve grants made by HA to other bodies • power to approve establishment of body corporate by HA • power to approve borrowing of money by HA • power to approve investment of money by HA • power to receive reports from HA and duty to table the report at the LegCo • power to obtain information about property, liability and activities of HA • power to determine fees and allowance payable to members of HA Board and its committees 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 provisions are amended by repealing “Secretary for Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” 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 7	132 Public Health and Municipal Services Ordinance	<p>This ordinance regulates public health and municipal services.</p> <p>Major function to be transferred from SHW to SEHW is:</p> <ul style="list-style-type: none"> • Powers to make regulations relating to drugs etc. 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” 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 7	136 Mental Health Ordinance	<p>This ordinance provides for the law relating to mental incapacity and the care and supervision of mentally incapacitated persons, etc.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • power to authorize medical officers to exercise the functions of medical superintendent • power to amend the deadline for renewal of guardianship order • power to amend schedules • power to make rules in respect of guardianship application • power to make regulations • power to specify irreversible and controversial treatments and special treatments • power to determine allowance payable to Guardianship Board members 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” 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 7	136A Mental health Regulations	<p>These regulations prescribe the duties of medical superintendents, forms, handling of postal articles, and other matter relating to the administration of the principal ordinance.</p> <p>Major function to be transferred from SHW to SEHW is:</p> <ul style="list-style-type: none"> • function relating to recall of a conditionally discharged patient 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provision is amended by repealing “衛生福利局局長” 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 7	138 Pharmacy and poisons Ordinance	<p>This ordinance provides for registration of drugs and regulation of the practice of pharmacies and pharmacists.</p> <p>Major function to be transferred from SHW to SEHW is:</p> <ul style="list-style-type: none"> power to make regulations on matters relating to Pharmacy and Poison Appeal Tribunal 	<ul style="list-style-type: none"> Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. <u>Chinese text</u> The relevant provision is amended by repealing “衛生福利局局長” 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 7	141 Quarantine and Prevention of Disease Ordinance	<p>This ordinance provides for the law relating to quarantine and the prevention of disease among human beings.</p> <p>Major function to be transferred from SHW to SEHW is:</p> <ul style="list-style-type: none"> • power to vary prescribed fees 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provision is amended by repealing “衛生福利局局長” 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 7	156 Dentists Registration Ordinance	<p>This ordinance provides for registration and disciplinary control of dentists and regulates dental companies.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • powers to make and approve regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 provisions are amended by repealing “Secretary for Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” 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 7	161 Medical Registration Ordinance	<p>This ordinance provides for registration and disciplinary control of medical practitioners.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • power to nominate assessors for disciplinary hearing • powers to make and approve regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 provisions are amended by repealing “Secretary for Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” 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 7	162 Midwives Registration Ordinance	<p>This ordinance provides for registration and disciplinary control of midwives.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • powers to make and approve regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” 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 7	164 Nurses Registration Ordinance	<p>This ordinance provides for registration and disciplinary control of nurses.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • powers to make and approve regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 provisions are amended by repealing “Secretary for Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” 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 7	165 Hospitals, Nursing Homes and Maternity Homes Registration Ordinance	<p>This ordinance provides for the registration and inspection of hospitals, nursing homes and maternity homes.</p> <p>Major function to be transferred from SHW to SEHW is:</p> <ul style="list-style-type: none"> power to make regulations on inspection of premises believed to be used for the purposes of a hospital or maternity home 	<ul style="list-style-type: none"> Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. <u>Chinese text</u> The relevant provision is amended by repealing “衛生福利局局長” 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 7	202 Volunteer and Naval Volunteer Pensions Ordinance	<p>This ordinance provides for the payment of pensions, gratuities, and other allowances in connection with the disablement or death of officers and volunteers of the Hong Kong Volunteer Defence Corps and members of the Hong Kong Naval Volunteer Force, etc.</p> <p>Major function to be transferred from SHW to SEHW is :</p> <ul style="list-style-type: none"> • power to amend schedules specifying principles of assessment of degree of disability, rates of disability pension, rates for specified injuries, etc 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” 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 7	213 Protection of Children and Juveniles Ordinance	<p>This ordinance provides for the law relating to the protection of children and juveniles.</p> <p>Major function to be transferred from SHW 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 Health and Welfare/衛生福利局局長” 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 provisions are amended by repealing “Secretary for Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” 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 7	225 Reformatory Schools Ordinance	<p>This ordinance provides for and regulates reformatory schools.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • powers to establish and declare reformatory schools • powers to make rules and regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” 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 7	243 Child Care Services Ordinance	<p>This ordinance provides for the registration, control and inspection of child care centres and the control of childminders.</p> <p>Major function to be transferred from SHW to SEHW is:</p> <ul style="list-style-type: none"> • power to regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provision is amended by repealing “衛生福利局局長” 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 7	298 Probation of Offenders Ordinance	<p>This ordinance provides for the probation of offenders.</p> <p>Major function to be transferred from SHW to SEHW is:</p> <ul style="list-style-type: none"> power to make rules relating to duties of probation officers and management of approved institutions, etc 	<ul style="list-style-type: none"> Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. <u>Chinese text</u> The relevant provision is amended by repealing “衛生福利局局長” 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 7	340 Animals (Control of Experiments) Ordinance	<p>This ordinance provides for the control of experiments on living vertebrate animals.</p> <p>Major function to be transferred from SHW 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 Health and Welfare/衛生福利局局長” 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 provisions are amended by repealing “Secretary for Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 18 of Schedule 7	343 Medical Clinics Ordinance	<p>This ordinance provides for the registration, control and inspection of medical clinics.</p> <p>Major function to be transferred from SHW to SEHW is:</p> <ul style="list-style-type: none"> • power to make regulations to provide for the duties of persons in charge of clinics 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provision is amended by repealing “衛生福利局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 19 of Schedule 7	359 Supplementary Medical Professions Ordinance	<p>This ordinance provides for registration and disciplinary control of practitioners of supplementary medical professions.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • powers to make and approve regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 provisions are amended by repealing “Secretary for Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” 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 7	371 Smoking (Public Health) Ordinance	<p>This ordinance prohibits smoking in certain areas and provides for the display of a health warning and other information on tobacco packets and in tobacco advertisements.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • power to authorize public officers to remove tobacco advertisements • power to amend schedules of designated no smoking areas and public transport carriers, etc • power to specify the form of no smoking notice, health warnings, etc 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 definition of “Secretary” in section 2 is repealed and substituted by “ “Secretary” (局長) means the Secretary for the Environment, Health and Welfare”. The reference to “Secretary for Health and Welfare” in section 16A is repealed and substituted by “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> <ul style="list-style-type: none"> (a) “ “局長” (Secretary) 指環境及衛生福利局局長” is added to section 2. (b) Other relevant provisions are amended by repealing “衛生福利局局長” and substituting “局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 21 of Schedule 7	378 Community Service Orders Ordinance	<p>This ordinance provides for criminal offenders to be required to perform unpaid work of benefit to the community in place of, or in addition to, other sentences.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • power to amend schedules of type of unpaid work • power to make regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 provisions are amended by repealing “Secretary for Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” 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 7	386 Hong Kong War Memorial Pensions Ordinance	<p>This ordinance provides for the payment of pensions and other benefits to persons who have contributed to the defence of Hong Kong in the Pacific War, persons who have suffered in the War and spouses of such persons.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • power to specify pension rates • functions to receive, process and determine applications for the status of eligible beneficiaries for the purposes of this Ordinance • power to specify the form and manner of a notice of appeal against his determination • power to make regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 definition of “Secretary” in section 2 is repealed and substituted by “ “Secretary” (局長) means the Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> <ul style="list-style-type: none"> (a) “ “局長” (Secretary) 指環境及衛生福利局局長” is added to section 2. (b) Other relevant provisions are amended by repealing “衛生福利局局長” and substituting “局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 23 of Schedule 7	389 Hong Kong Council on Smoking and Health Ordinance	<p>This ordinance provides for the establishment of the Hong Kong Council on Smoking and Health and its functions and powers.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • power to appoint deadline for submission of annual estimates for CE's approval • power to approve appointment of an auditor • power to receive report and duty to table the report at LegCo 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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> The relevant provisions are amended by repealing “Secretary for Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 24 of Schedule 7	428 Chiropractors Registration Ordinance	<p>This ordinance provides for registration and disciplinary control of chiropractors.</p> <p>Major function to be transferred from SHW to SEHW is:</p> <ul style="list-style-type: none"> • power to receive rules of procedures of meetings of the Chiropractors Council 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 provision is amended by repealing “Secretary for Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provision is amended by repealing “衛生福利局局長” 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 7	447 Bedspace Apartments Ordinance	<p>This ordinance provides for the regulation, supervision and safety of bedspace apartments.</p> <p>Major function to be transferred from SHW to SEHW is:</p> <ul style="list-style-type: none"> • power to exclude certain premises from the application of the Ordinance 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provision is amended by repealing “衛生福利局局長” 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 7	459 A Residential Care Homes (Elderly Persons) Regulation	<p>This regulation provides for the registration of health worker, and duties of manager and operators of residential care homes and requirements relating to such homes.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • powers relating to appeals against decisions of Director of Social Welfare on registration of health workers 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 provisions are amended by repealing “Secretary for Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” 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 7	459 B Residential Care Homes (Elderly Persons) (Appeal Board) Regulation	<p>This regulation provides for matters relating to appeals against decisions of Director of Social Welfare on application for exemption certificate in respect of residential care homes and application, renewal, cancellation and suspension of licence of such homes.</p> <p>Major function to be transferred from SHW to SEHW is:</p> <ul style="list-style-type: none"> function to receive notice of appeal on behalf of the Appeal Board chairman 	<ul style="list-style-type: none"> Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” 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 7	465 Human Organ Transplant Ordinance	<p>This ordinance prohibits commercial dealings in human organs intended for transplanting, restricts the transplanting of human organs between persons who are not genetically related, and regulates the importing of human organs intended for transplanting.</p> <p>Major function to be transferred from SHW to SEHW is:</p> <ul style="list-style-type: none"> • power to appoint chairman and members of the Human Organ Transplant Board 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” and/or “the Secretary/局長” 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” 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 7	487 Disability Discrimination Ordinance	<p>This ordinance renders unlawful discrimination against persons on the ground of their or their associates' disability in respect of their employment, accommodation, education, access to partnerships, membership of trade unions and clubs, access to premises, educational establishments, sporting activities and the provision of goods, services and facilities; and extends the jurisdiction of the Equal Opportunities Commission to include discrimination against persons on the ground of their or their associates' disability.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • power to specify bodies to be consulted on any code of practice • power to make regulations to empower the Equal Opportunity Commission to bring certain proceedings • power to amend schedules 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” 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 7	504 Coroners Ordinance	<p>This ordinance provides for the appointment, duties and powers of coroners, for the reporting of certain deaths, for the duties of registered medical practitioners in connection with dead bodies, for matters preliminary to inquests, and for matters relating to inquests.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • powers to set apart places for autopsies, etc 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 provision is amended by repealing “Secretary for Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provision is amended by repealing “衛生福利局局長” 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 7	505 Social Workers Registration Ordinance	<p>This ordinance provides for the registration and disciplinary control of social workers.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • function to publish in the Gazette Social Worker Registration Board members elected by social workers • function to declare vacancy in membership of the Board • power to direct the Board on fees payable for relevant matters • power to amend schedule of offences disentitling a person from being a registered social worker • power to receive report from the Board and duty to table the report at LegCo 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 definition of “Secretary” in section 2 is repealed and substituted by “ “Secretary” (局長) means the Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> <ul style="list-style-type: none"> (a) “ “局長” (Secretary) 指環境及衛生福利局局長” is added to section 2. (b) Other relevant provisions are amended by repealing “衛生福利局局長” and substituting “局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 32 of Schedule 7	549 Chinese Medicine Ordinance	<p>This ordinance provides for the registration of practitioners in Chinese medicine; the licensing of traders in Chinese medicines and the registration of proprietary Chinese medicines.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • power to appoint commencement date of the Ordinance • power relating to the appointment of the Chinese Medicine Council of Hong Kong, Practitioners Board and Medicines Board • power to amend schedules 1 and 2 relating to Chinese herbal medicines • power to amend schedules 3 and 4 relating to functions of the Practitioners Board, Medicines Board and their committees • power to amend schedule 5 relating to delegation of functions of boards and committees • powers relating to provision of transitional licensing of Chinese herbal medicines traders and registration of proprietary Chinese medicine, licensing of proprietary Chinese medicine traders • powers to make and approve regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” 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 7	561 Human Reproductive Technology Ordinance	<p>This ordinance regulates reproductive technology procedures, and the use, for research and other purposes, of embryos and gametes; confines the provision of reproductive technology procedures to infertile couples; regulates surrogacy arrangements; and establishes a Council on Human Reproductive Technology.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • power to appoint commencement date of the Ordinance • power to specify whether a procedure is subject to the control of the Ordinance • power to designate public officers to assist the Council on Human Reproductive Technology • powers to nominate members and appoint secretary and legal adviser to the Council • power to obtain certain information from the Council • power to make regulations • power to amend the schedule of provisions with respect to the Council, its committees and their members • power to amend the schedule of sex-linked genetic diseases 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” 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 provisions are amended by repealing “Secretary for Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 34 of Schedule 7	1040 Po Leung Kuk Ordinance	<p>This ordinance provides for the incorporation of Po Leung Kuk and its management.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • functions to serve as a member of the advisory board and act as the chairman of the advisory board and joint meeting of the advisory board and board of directors in the absence of Secretary for Home Affairs (SHA) 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” and/or “the Secretary/局長” are reproduced at Appendix 34. • 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 35 of Schedule 7	1051 Tung Wah Group of Hospitals Ordinance	<p>This ordinance provides for the incorporation of Tung Wah Group of Hospitals and its management.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • functions to serve as a member of the advisory board and act as the chairman of the advisory board and joint meeting of the advisory board and board of directors in the absence of SHA 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” and/or “the Secretary/局長” are reproduced at Appendix 35. • 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 36 of Schedule 7	1068 Pok Oi Hospital Incorporation Ordinance	<p>This ordinance provides for the incorporation of the Board of Directors of the Pok Oi Hospital.</p> <p>Major function to be transferred from SHW to SEHW is:</p> <ul style="list-style-type: none"> power to approve amendments to the constitution of the hospital 	<ul style="list-style-type: none"> Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” and/or “the Secretary/局長” are reproduced at Appendix 36. 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. <u>Chinese text</u> The relevant provision is amended by repealing “衛生福利局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 37 of Schedule 7	1106 Yan Chai Hospital Ordinance	<p>This ordinance provides for the management of the Yan Chai Hospital and for the incorporation of the Board of Directors of the Hospital.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • power to nominate and remove from office members of the Board of Directors • power to approve amendments to the constitution of the hospital 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” and/or “the Secretary/局長” are reproduced at Appendix 37. • 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” and substituting “環境及衛生福利局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 38 of Schedule 7	82 of 1997 Nurses Registration (Amendment) Ordinance 1997	<p>This ordinance amends the Nurses Registration Ordinance (Cap. 164) by renaming the Nursing Board of Hong Kong to Nursing Council of Hong Kong, providing for elected members to the Council, transferring certain regulation making powers from Chief Executive in Council to SHW and the Nursing Council of Hong Kong, etc.</p> <p>Major functions to be transferred from SHW to SEHW are:</p> <ul style="list-style-type: none"> • power to appoint commencement date of the Ordinance • power to approve regulations made by the Nursing Council of Hong Kong 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Health and Welfare/衛生福利局局長” and/or “the Secretary/局長” are reproduced at Appendix 38. • 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 Health and Welfare” and substituting “Secretary for the Environment, Health and Welfare”. - <u>Chinese text</u> The relevant provisions are amended by repealing “衛生福利局局長” and substituting “環境及衛生福利局局長”. <p>Note: The reference to “衛生福利司” has been amended to “衛生福利局局長” in the adaptation of laws exercise. This is not reflected in the Gazette copy of O.N. 82 of 1997 at Appendix 38.</p>