

**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 Transport
to Secretary for Transport and Works**

Introduction

This paper sets out the transfer of statutory functions currently exercisable by the Secretary for Transport 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 12(a) of the draft Resolution provides that statutory functions currently exercisable by the Secretary for Transport by virtue of the ordinances specified in column 2 of Schedule 12 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 12(b) and Schedule 12 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 12 and Schedule 12 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. For example, in three ordinances (the Eastern Harbour Crossing Ordinance, the Tate's Cairn Tunnel Ordinance, Western Harbour Crossing 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 Transport 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 12 and Schedule 12 of the draft Resolution.

**Statutory functions presently exercisable by Secretary for Transport (S for T)
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 12	1C Specification of Public Offices	<p>Cap. 1C sets out the public officers who may delegate to another public officer the powers conferred or duties imposed on him/her by any particular ordinance.</p> <p>Major functions to be transferred from S for T to STW are:</p> <ul style="list-style-type: none"> • power to delegate to any public officer his/her functions provided for in the Eastern Harbour Crossing Ordinance (Cap. 308) • power to delegate to any public officer his/her functions provided for in the Roads (Works, Use and Compensation) Ordinance (cap. 370) • power to delegate to any public officer his/her functions provided for in the Tate’s Cairn Tunnel Ordinance (Cap. 393) 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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 Transport” and substituting “Secretary for Transport and Works”. - <u>Chinese text</u> The relevant provisions are amended by repealing “運輸局局長” 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 12	17A Lands Tribunal Rules	<p>These rules provide for practice, procedures and forms used in relation to the proceedings of the Lands Tribunal.</p> <p>Major functions to be transferred from S for T to STW are:</p> <ul style="list-style-type: none"> • functions and duties of the Secretary in the proceedings of Lands Tribunal in relation to claims lodged under the Roads (Works, Use and Compensation) Ordinance (Cap. 370) 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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> <ul style="list-style-type: none"> (a) The definition of “Secretary” in rule 43 is repealed and substituted by “ “Secretary” (局長) has the same meaning as in the Ordinance”. (b) Forms 10 and 11 in the Schedule are amended by repealing “Secretary for Transport” and substituting “Secretary for Transport and Works” - <u>Chinese text</u> <ul style="list-style-type: none"> (a) The definition of “運輸局局長” in rule 43 is repealed and substituted by“ “局長” (Secretary) 的涵義與條例中該詞的涵義相同”. (b) Forms 10 and 11 in the Schedule are amended by repealing “運輸局局長” and substituting “運輸及工務局局長”. (c) Other relevant provisions are amended by repealing “運輸局局長” and substituting “局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 3 of Schedule 12	104 Ferry Services Ordinance	<p>This ordinance provides for the granting of franchises and licenses to operate ferry services, and the regulation of the operation and maintenance of such services.</p> <p>Major functions to be transferred from S for T to STW are:</p> <ul style="list-style-type: none"> • power to decide on any point on which the Commissioner for Transport (C for T) and the grantee fail to reach agreement in relation to a plan on the operation of the grantee • power and function relating to appeals against the decision of C for T 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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. Transport” and substituting “Secretary for Transport and Works”. - <u>Chinese text</u> The relevant provisions are amended by repealing “運輸局局長” 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 12	107B Tramway Regulations	<p>These regulations provide for the designation of tram stops, boarding and alighting of passengers, and appeal procedures in relation to decision made by C for T under the regulations.</p> <p>Major functions to be transferred from S for T to STW are:</p> <ul style="list-style-type: none"> • power to confirm, vary or amend terms of notice given under the regulations • power and function relating to appeals against the decision of C for T made under the regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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 definition of “Secretary” in regulation 2 is repealed and substituted by “ “Secretary” (局長) means the Secretary for Transport and Works”. - <u>Chinese text</u> <ol style="list-style-type: none"> (a) “ “局長” (Secretary) 指運輸及工務局局長” is added to regulation 2. (b) Other relevant provisions are amended by repealing “運輸局局長” and substituting “局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 5 of Schedule 12	215 Eastern Harbour Crossing Ordinance	<p>This Ordinance is to grant franchises for the construction of a combined road and rail tunnel across the eastern harbour, for the construction of a railway line through the tunnel ; for the payment of tolls to the franchise holder for the use of the tunnel and the regulation of vehicular traffic in relation to such use; and for the transfer by the franchise holder of its right to operate the railway line to the Mass Transit Railway Corporation.</p> <p>Major functions to be transferred from S for T to STD are:</p> <ul style="list-style-type: none"> • power to give notice in the Gazette the deposal of its right by the franchisee • function and duties to be taken in the case of default • power and functions relating to the revocation of franchise • functions relating to appeals lodged by the franchisee 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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 definition of “Secretary” in section 2(1) is repealed and substituted by “ “Secretary” (局長) means the Secretary for Transport and Works”. - <u>Chinese text</u> <ul style="list-style-type: none"> (a) “ “局長” (Secretary) 指運輸及工務局局長” is added to section 2(1). (b) Other relevant provisions are amended by repealing “運輸局局長” and substituting “局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 6 of Schedule 12	230 Public Bus Services Ordinance	<p>This ordinance provides for the granting of franchises to operate public bus services on specified routes, and the regulation of the operation and maintenance of such services.</p> <p>Major functions to be transferred from S for T to STW are:</p> <ul style="list-style-type: none"> • duty to make recommendation to Chief Executive in Council on whether the franchise for a bus operator should be extended • function in relation to forward planning programme of the franchised bus operators • function relating to appeal lodged by a franchisee against decisions of the Secretary • power to make regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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 Transport” and substituting “Secretary for Transport and Works”. - <u>Chinese text</u> The relevant provisions are amended by repealing “運輸局局長” 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 12	237 Fixed Penalty (Traffic Contraventions) Ordinance	<p>This ordinance provides for a fixed penalty to be payable for various contraventions of the law; and for the recovery of the fixed penalty.</p> <p>Major function to be transferred from S for to STW is:</p> <ul style="list-style-type: none"> • power to make regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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 Transport” and substituting “Secretary for Transport and Works”. - <u>Chinese text</u> The relevant provision is amended by repealing “運輸局局長” 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 12	240 Fixed Penalty (Criminal Proceedings) Ordinance	<p>This ordinance provides for a fixed penalty to be payable for various offences.</p> <p>Major function to be transferred from S for T to STW is:</p> <ul style="list-style-type: none"> • power to make regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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 Transport” and substituting “Secretary for Transport and Works”. - <u>Chinese text</u> The relevant provision is amended by repealing “運輸局局長” and substituting “運輸及工務局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 9 of Schedule 12	265 Peak Tramway Ordinance	<p>This ordinance is to authorize the construction of the Peak Tramway, and to provide for matters relating to the operation of the Peak Tramway.</p> <p>Major functions to be transferred from S for T to STW are:</p> <ul style="list-style-type: none"> • power to authorize the Peak Tramways Company Ltd. (the company) to alter the level of ground on which the tramway is laid • power to approve the construction and maintenance of additional structures, equipment and works by the company • power and duties relating to works of the company that may affect sewage or drainage • power to authorize the company to enter land adjoining the tramway • function relating to appeals lodged by the company against decision of the Secretary • power to certify removal cost of tramway in case of discontinuance of service • power to order removal of tramway upon insolvency of the company • power to approve the tramcars, machinery apparatus used on or for the tramway • power to order defects in the tramway be remedied • power to order the closure of tramway 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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 Transport” and substituting “Secretary for Transport and Works”. - <u>Chinese text</u> The relevant provisions are amended by repealing “運輸局局長” and substituting “運輸及工務局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 10 of Schedule 12	265A Peak Tramway (Safety) Regulations	<p>These regulations provide for matters relating to the maintenance and operation of the tramway, and the inspection, examination and testing of the tramway.</p> <p>Major functions to be transferred from S for T to STW are:</p> <ul style="list-style-type: none"> • power to approve the employment of surveyor by the Peak Tramways Company Ltd. (the company) • power to approve the employment of engineering superintendents by the company • power to approve the employment of duty technician by the company 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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 definition of “Secretary” in regulation 2 is repealed and substituted by “ “Secretary” (局長) means the Secretary for Transport and Works”. - <u>Chinese text</u> <ul style="list-style-type: none"> (a) “ “局長” (Secretary) 指運輸及工務局局長” is added to regulation 2. (b) Other relevant provisions are amended by repealing “運輸局局長” and substituting “局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Paragraph (12)(b)(vi)	358AL Water Pollution Control (Sewerage) Regulation	This regulation provides for matters relating to the construction, maintenance, repair and demolition of sewerage.	<ul style="list-style-type: none"> • The relevant provisions provide for the modifications of certain sections of the Roads (Works, Use and Compensation) (Cap. 370) when this ordinance is applied for the purpose of works carried under the Water Pollution Control (Sewerage) Regulation (Cap. 358AL). • As provisions of Cap. 370 containing references to “運輸局局長” will be replaced by references to “局長”, consequential amendments to the relevant provisions of Cap. 358AL are required. • Provisions reproduced at Appendix 10A are amended by repealing “運輸局”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 11 of Schedule 12	370 Roads (Works, Use and Compensation) Ordinance	<p>This ordinance provides for the publication of proposals as to works in relation to roads, objections to the proposals, authority to carry out the works and for the use of roads, powers in relation to the works on and the use of roads, compensation and connected matters.</p> <p>Major functions to be transferred from S for T to STW are:</p> <ul style="list-style-type: none"> • power to authorize any public officer to exercise the powers, functions and duties conferred on him under the ordinance • power to approve the execution of minor works which involve closure of road • powers, functions and duties relating to the preparation, publication and amendment of plan and scheme for major works • power, functions and duties relating to the handling of objection and claims against plan and scheme proposed by the Secretary • functions and duties relating to land resumed for the purpose of or incidental to works, and the creation of easement or other rights • power to enter any land or building for the purpose of making inspection, site investigation and valuation etc. • power to request utility companies to alter or repair their wire, pipe, tub etc. • power to order owner of any land or building to remove projections or obstructions 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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 definition of “Secretary” in section 2(1) is repealed and substituted by “ “Secretary” (局長) means the Secretary for Transport and Works”. - <u>Chinese text</u> <ol style="list-style-type: none"> (a) The definition of “運輸局局長” in section 2(1) is repealed and substituted by “ “局長” (Secretary) 指運輸及工務局局長”. (b) Other relevant provisions are amended by repealing “運輸局局長” and substituting “局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 12 of Schedule 12	372 Kowloon-Canton Railway Corporation Ordinance	<p>This ordinance is to establish a corporation to operate the Kowloon-Canton Railway, to vest in that corporation the assets of that railway, to construct and operate the North-west Railway and other railways, and to make provision as to the safe operation of railways.</p> <p>Major functions to be transferred from S for T to STW are:</p> <ul style="list-style-type: none"> • power to authorize the construction of railways • power to make regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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 Transport” and substituting “Secretary for Transport and Works”. - <u>Chinese text</u> The relevant provisions are amended by repealing “運輸局局長” and substituting “運輸及工務局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 13 of Schedule 12	372A Kowloon-Canton Railway Corporation Regulations	<p>These regulations provide for detailed requirements in relation to the operation and maintenance of the railways.</p> <p>Major functions to be transferred from S for T to STW are:</p> <ul style="list-style-type: none"> • power to confirm, vary or amend terms of notice given under the regulations • power and function relating to appeals against the decision of Commissioner for Transport made under the regulations • the Corporation should submit written explanation to the Secretary for any failure to comply with certain requirements of the regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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> <ul style="list-style-type: none"> (a) The definition of “Secretary” in regulation 1A is repealed and substituted by “ “Secretary” (局長) means the Secretary for Transport and Works”. (b) Regulation 14(7) is amended by repealing “Secretary for Transport” and substituting “Secretary for Transport and Works” - <u>Chinese text</u> <ul style="list-style-type: none"> (a) “ “局長” (Secretary) 指運輸及工務局局長” is added to regulation 1A. (b) Regulation 14(7) is amended by repealing “運輸局局長” and substituting “運輸及工務局局長”. (c) Other relevant provisions are amended by repealing “運輸局局長” and substituting “局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 14 of Schedule 12	374 Road Traffic Ordinance	<p>This ordinance provides for the regulation of road traffic and the use of vehicles and roads (including private roads).</p> <p>Major functions to be transferred from S for T to STW are:</p> <ul style="list-style-type: none"> • power to make regulations for the purpose of giving effect to international agreement, the regulation of registration and licensing of vehicles, the regulation of public service vehicles etc. • power to amend Schedule 1 and certain provisions of the ordinance • function and duty relating to the preparation of road users' code • power to specify private roads to which Part XIII of the ordinance does not apply 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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 Transport” and substituting “Secretary for Transport and Works”. - <u>Chinese text</u> The relevant provisions are amended by repealing “運輸局局長” and substituting “運輸及工務局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 15 of Schedule 12	374C Road Traffic (Parking) Regulations	<p>These regulations provide for matters relating to the regulation of parking of vehicles.</p> <p>Major functions to be transferred from S for T to STW are:</p> <ul style="list-style-type: none"> • power to amend Schedule 5 • power and functions relating to management of designated car parks 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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 provisions are amended by repealing “Secretary for Transport” and substituting “Secretary for Transport and Works”. - <u>Chinese text</u> The relevant provisions are amended by repealing “運輸局局長” and substituting “運輸及工務局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 16 of Schedule 12	374Q Road Traffic (Expressway) Regulations	<p>These regulations provide for matters relating to the regulation of traffic on expressway.</p> <p>Major function to be transferred from S for T to STW is:</p> <ul style="list-style-type: none"> • power to amend Schedules 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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 Transport” and substituting “Secretary for Transport and Works”. - <u>Chinese text</u> The relevant provision is amended by repealing “運輸局局長” and substituting “運輸及工務局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 17 of Schedule 12	393 Tate's Cairn Tunnel Ordinance	<p>This ordinance is to grant a franchise for the construction of a road tunnel through Tate's Cairn; to provide for the maintenance of the works to be constructed; for the payment of tolls to the franchise holder for the use of the tunnel and the regulation of vehicular traffic in relation to such use.</p> <p>Major functions to be transferred from S for T to STW are:</p> <ul style="list-style-type: none"> • power to give notice in the Gazette the deposal of its right by the franchisee • function and duties to be taken in the case of default • power and function relating to the revocation of franchise • functions relating to appeals lodged by the franchisee 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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 definition of “Secretary” in section 2(1) is repealed and substituted by “ “Secretary” (局長) means the Secretary for Transport and Works”. - <u>Chinese text</u> <ul style="list-style-type: none"> (a) “ “局長” (Secretary) 指運輸及工務局局長” is added to section 2(1). (b) Other relevant provisions are amended by repealing “運輸局局長” and substituting “局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 18 of Schedule 12	436 Western Harbour Crossing Ordinance	<p>This ordinance is to grant a franchise for the construction and operation of a crossing between West Kowloon Reclamation and Sai Ying Pun; to provide for the maintenance of the works within the tunnel area, the payment of tolls to the franchise holder for the use of the tunnel and the regulation of vehicular traffic in relation to such use.</p> <p>Major functions to be transferred from S for T to STW are:</p> <ul style="list-style-type: none"> • power to give notice in the Gazette the deposal of its right by the franchisee • duty to serve as a member of the Western Harbour Crossing Toll Stability Fund Management Committee • functions and duties relating to the submission of statement of net revenue by the franchisee • power and functions relating to toll increase • function and duties to be taken in the case of default • power and function relating to the revocation of franchise • duty to exercise discretion or authority conferred upon him so as to give effect to project agreement 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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> <ul style="list-style-type: none"> (a) The definition of “Secretary” in section 2(1) is repealed and substituted by “ “Secretary” (局長) means, subject to subsection 2, the Secretary for Transport and Works”. (b) Section 38(2) is amended by repealing “Secretary for Transport” and substituting “Secretary for Transport and Works”. - <u>Chinese text</u> <ul style="list-style-type: none"> (a) “ “局長” (Secretary), 在符合第(2)款的規定下, 指運輸及工務局局長” is added to section 2(1). (b) Section 38(2) is amended by repealing “運輸局局長” and substituting “運輸及工務局局長”. (c) Other relevant provisions are amended by repealing “運輸局局長” and substituting “局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 19 of Schedule 12	474 Tai Lam Tunnel and Yuen Long Approach Road Ordinance	<p>This ordinance is to grant a franchise for the design, construction and operation of a tunnel and associated roads linking Ting Kau to Au Tau; to provide for the maintenance of the works within the area subject to the franchise, the payment of tolls to the franchise holder for the use of that area and the regulation of vehicular traffic in relation to such use.</p> <p>Major functions to be transferred from S for T to STW are:</p> <ul style="list-style-type: none"> • power to give notice in the Gazette the deposal of its right by the franchisee • power to make regulations • duty to serve as a member of the Tai Lam Tunnel and Yuen Long Approach Road Toll Stability Fund Management Committee • functions and duties relating to the submission of statement of actual net revenue by the franchisee • power and functions relating to toll increase • function and duties to be taken by the Secretary in the case of default • power and function relating to the revocation of franchise • duty to exercise discretion or authority conferred upon him so as to give effect to project agreement 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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> <ul style="list-style-type: none"> (a) The definition of “Secretary” in section 2(1) is repealed and substituted by “ “Secretary” (局長) means, subject to subsection 2, the Secretary for Transport and Works”. (b) Sections 17(1) and 32(3)(b) are amended by repealing “Secretary for Transport” and substituting “Secretary for Transport and Works”. - <u>Chinese text</u> <ul style="list-style-type: none"> (a) “ “局長” (Secretary), 在符合第(2)款的規定下, 指運輸及工務局局長” is added to section 2(1). (b) Sections 17(1) and 32(3)(b) are amended by repealing “運輸局局長” and substituting “運輸及工務局局長”. (c) Other relevant provisions are amended by repealing “運輸局局長” and substituting “局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 20 of Schedule 12	483C Airport Authority (Automated People Mover) (Safety) Regulation	<p>This regulation provides for safety measures in relation to the operation of the automated people mover at the airport.</p> <p>Major functions to be transferred from S for T to STW are:</p> <ul style="list-style-type: none"> • function relating to accident and occurrence on the automated people mover • power to direct inspector to investigate accident or occurrence • power relating to the prohibition of opening/operation of automated people mover 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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 Transport” and substituting “Secretary for Transport and Works”. - <u>Chinese text</u> The relevant provisions are amended by repealing “運輸局局長” and substituting “運輸及工務局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 21 of Schedule 12	498 Tsing Ma Control Area Ordinance	<p>This ordinance provides for the control and regulation of vehicular and pedestrian traffic movements within the Tsing Ma Control Area; the delineation of that Area in respect of the management and maintenance thereof; the powers of authorized officers; the disposal of abandoned vehicles; the closure of roads within the Area; and the imposition of financial penalties.</p> <p>Major functions to be transferred from S for T to STW are:</p> <ul style="list-style-type: none"> • power to give direction relating to the performance of functions and power vested by the ordinance in the operator and authorized officers • power to authorize road closure • power to make regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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 definition of “Secretary” in section 2 is repealed and substituted by “ “Secretary” (局長) means the Secretary for Transport and Works and includes any public officer the subject of a written delegation by the Secretary for Transport and Works under section 9”. - <u>Chinese text</u> <ol style="list-style-type: none"> (a) The definition of “運輸局局長” in section 2 is repealed and substituted by “ “局長” (Secretary) 指運輸及工務局局長, 並包括任何運輸及工務局局長根據第 9 條作出書面授權的標的之公職人員”. (b) Other relevant provisions are amended by repealing “運輸局局長” and substituting “局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 22 of Schedule 12	519 Railways Ordinance	<p>This ordinance provides for the resumption of land, creation of easements or rights and the exercise of other powers by the Government for the construction of railways and to provide for compensation for losses caused by the exercise of the powers.</p> <p>Major functions to be transferred from S for T to STW are:</p> <ul style="list-style-type: none"> • power to authorize any public officer to exercise the power, functions and duties conferred on him under the ordinance • power, functions and duties relating to the preparation, publication and amendment of railway schemes • power to enter or authorize a person to enter any land or building for the purpose of making inspection, valuation and site investigation etc. • power, functions and duties relating to the handling of objection and claims against railway schemes proposed by the Secretary • power to authorize the construction of railway • power to authorize the carrying out of minor works which involve closure of road • functions and duties relating to the creation of easement or other rights, and land resumed for the purpose of or incidental to railway schemes • power to request utility companies to alter or repair their wire, pipe, tub etc. 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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 Transport and Works”. - <u>Chinese text</u> <ol style="list-style-type: none"> (a) “ “局長” (Secretary) 指運輸及工務局局長” is added to section 2. (b) Other relevant provisions are amended by repealing “運輸局局長” and substituting “局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
		<ul style="list-style-type: none">power to order owner of any land or building to remove projections or obstructions	

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 23 of Schedule 12	520 Discovery Bay Tunnel Link Ordinance	<p>This ordinance is to provide for the constructing a tunnel and a road to connect Discovery Bay in Lantau Island and Siu Ho Wan in North Lantau of that Island, the operation and the maintenance of the tunnel and the road; to permit the use of the tunnel and the road for the passage of vehicular traffic; and to empower the charging of tolls or fees for such use.</p> <p>Major functions to be transferred from S for T to STW are:</p> <ul style="list-style-type: none"> • power to give notice in the Gazette the deposal of its right by the franchisee • power to request information on the estimated cost of construction works, number of vehicles using the tunnel and the amount of tolls collected • power and functions relating to tolls and fees • power to make regulations • power to delegate to any public officer the power, function or duty conferred on him under the ordinance 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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 definition of “Secretary” in section 2(1) is repealed and substituted by “ “Secretary” (局長) means the Secretary for Transport and Works”. - <u>Chinese text</u> <ul style="list-style-type: none"> (a) “ “局長” (Secretary) 指運輸及工務局局長” is added to section 2(1). (b) Other relevant provisions are amended by repealing “運輸局局長” and substituting “局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 24 of Schedule 12	556 Mass Transit Railway Corporation	<p>This ordinance provides for:</p> <p>(a) the granting of a franchise to the MTR Corporation Limited to operate the Mass Transit Railway and to construct and operate any extension to the railway;</p> <p>(b) the regulation of the operation of the Mass Transit Railway under the franchise;</p> <p>(c) the repeal of the Mass Transit Railway Corporation Ordinance (Cap 270), and the vesting of the property, rights and liabilities of the Mass Transit Railway Corporation in the MTR Corporation Limited;</p> <p>(d) matters relating to the incorporation of the MTR Corporation Limited.</p> <p>Major functions to be transferred from S for T to STW are:</p> <ul style="list-style-type: none"> • power and functions relating to the extension of franchise • power to obtain information relating to the business and affairs of the Corporation • function and duties to be taken in the case of default • power and function relating to the suspension and revocation of franchise • power to appoint inspectors • power to request the Corporation to carry out works in interest of safety • power to make regulations 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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> <ul style="list-style-type: none"> (a) The relevant provision is amended by repealing “Secretary for Transport” and substituting “Secretary for Transport and Works”. (b) Section 3 is amended by repealing “Secretary” and substituting “Secretary for Transport”. - <u>Chinese text</u> <ul style="list-style-type: none"> (a) The relevant provision is amended by repealing “運輸局局長” and substituting “運輸及工務局局長”. (b) Section 3 is amended by repealing “局長” and substituting “運輸局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 25 of Schedule 12	3 of 2002 Road Traffic Legislation (Amendment) Ordinance	<p>This ordinance is to amend the Road Traffic Ordinance and the Road Traffic (Driving-offence Points) Ordinance.</p> <p>Major functions to be transferred from SES to SED are:</p> <ul style="list-style-type: none"> • power to appoint commencement date for the ordinance • power to amend certain provisions of the Road Traffic Ordinance 	<ul style="list-style-type: none"> • Provisions containing references to “Secretary for Transport/運輸局局長” 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 provisions are amended by repealing “Secretary for Transport” and substituting “Secretary for Transport and Works”. - <u>Chinese text</u> The relevant provisions are amended by repealing “運輸局局長” and substituting “運輸及工務局局長”.