

**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 the Environment, Transport and Works**

Introduction

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

Background

2. In the light of the discussions at this Subcommittee and views expressed by members of the public, the Administration has decided to adjust the portfolios of the policy bureaux. The draft Resolution which was issued to Legislative Council on 17 April 2002 therefore needs to be revised. This paper seeks to explain the provisions of the revised Resolution in respect of the transfer of statutory functions from the Secretary for Works to the Secretary for the Environment, Transport and Works.

The Resolution

3. 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, Transport and Works will be responsible for matters relating to the environment, transport and works. The relevant statutory functions currently vested in the Secretary for Works, the Secretary for Transport and the Secretary for the Environment and Food will be transferred to the Secretary for the Environment, Transport and Works.

4. Paragraph 7(a) of the revised Resolution provides that statutory functions currently exercisable by the Secretary for Works by virtue of the ordinances specified in column 2 of Schedule 7 to the Resolution be transferred to the Secretary for the Environment, 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 7(b) and Schedule 7 of the revised Resolution. Most of the amendments are to replace references to “Secretary for Works” in the relevant ordinances with references to “Secretary for the Environment, Transport and Works”. Paragraph 7 and Schedule 7 of the revised Resolution are attached at Annexes A and B respectively.

5. 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.

6. 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

7. Members are invited to consider paragraph 7 and Schedule 7 of the revised Resolution.

(7) with effect from 1 July 2002 -

(a) the functions exercisable by the Secretary for Works by virtue of the Ordinances specified in column 2 of Schedule 7 be transferred to the Secretary for the Environment, Transport and Works;

(b) for the purpose of giving full effect to subparagraph (a) -

(i) the provisions specified in Schedule 7 (other than item 8) be amended by repealing "Secretary for Works" wherever it appears and substituting "Secretary for the Environment, Transport and Works";

(ii) the Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap. 470) be amended -

(A) in section 2(1), by repealing the definition of "Secretary" and substituting -

"Secretary" (局長) means the
Secretary for the
Environment,
Transport and
Works;";

(B) in the provisions specified in item 8 of Schedule 7, by repealing "工務局局長" wherever

SCHEDULE 7

[para. (7)(a) & (b)]

AMENDMENTS RELATING TO TRANSFER OF FUNCTIONS OF SECRETARY
FOR WORKS TO SECRETARY FOR THE ENVIRONMENT, TRANSPORT
AND WORKS

Item	Ordinance	Provision
1.	Defences (Firing Areas) Ordinance (Cap. 196)	Second Schedule.
2.	Architects Registration Ordinance (Cap. 408)	Section 7(6).
3.	Engineers Registration Ordinance (Cap. 409)	Section 6(6).
4.	Surveyors Registration Ordinance (Cap. 417)	Section 6(6).
5.	Planners Registration Ordinance (Cap. 418)	Section 6(6).
6.	Sewage Services Ordinance (Cap. 463)	Section 13(1).
7.	Sewage Services (Trade Effluent Surcharge) Regulation (Cap. 463 sub. leg.)	Section 4(1).
8.	Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap. 470)	Sections 30(1)(a), 32(1) and (1)(b), (c), (d) and (e), 33(1), 36(3), 37(1) and (1)(c), (d), (e) and (f) and 38(1) and (2).
9.	Landscape Architects Registration Ordinance (Cap. 516)	Section 6(6).

**Statutory functions presently exercisable by Secretary for Works (S for W)
to be transferred to Secretary for the Environment, Transport and Works (SETW)**

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 1 of Schedule 7	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 SETW 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 the Environment, Transport and Works”. - <u>Chinese text</u> The relevant provision is amended by repealing “工務局局長” and substituting “環境運輸及工務局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 2 of Schedule 7	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 SETW 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 the Environment, Transport and Works”. - <u>Chinese text</u> The relevant provision is amended by repealing “工務局局長” and substituting “環境運輸及工務局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 3 of Schedule 7	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 SETW 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 the Environment, Transport and Works”. - <u>Chinese text</u> The relevant provision is amended by repealing “工務局局長” and substituting “環境運輸及工務局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 4 of Schedule 7	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 SETW 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 the Environment, Transport and Works”. - <u>Chinese text</u> The relevant provision is amended by repealing “工務局局長” and substituting “環境運輸及工務局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 5 of Schedule 7	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 SETW 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 the Environment, Transport and Works”. - <u>Chinese text</u> The relevant provision is amended by repealing “工務局局長” and substituting “環境運輸及工務局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 6 of Schedule 7	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 SETW 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 the Environment, Transport and Works”. - <u>Chinese text</u> The relevant provision is amended by repealing “工務局局長” and substituting “環境運輸及工務局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 7 of Schedule 7	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 SETW 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 the Environment, Transport and Works”. <u>Chinese text</u> The relevant provision is amended by repealing “工務局局長” and substituting “環境運輸及工務局局長”.

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 8 of Schedule 7	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 SETW 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 the Environment, Transport and Works”. - <u>Chinese text</u> “ “局長” (Secretary) 指環境運輸及工務局局長” 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 7	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 SETW 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 the Environment, Transport and Works”. - <u>Chinese text</u> The relevant provision is amended by repealing “工務局局長” and substituting “環境運輸及工務局局長”.

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