

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

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

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

**Introduction**

This paper sets out the transfer of statutory functions currently exercisable by the Secretary for the Environment and Food to the Secretary for the Environment, Transport and Works and the Secretary for Health, Welfare and Food respectively 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 the Environment and Food to the Secretary for the Environment, Transport and Works and the Secretary for Health, Welfare and Food.

**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, while the Secretary for Health, Welfare and Food will be responsible for matters relating to health, welfare, food safety and environmental hygiene. The relevant statutory functions currently vested in the Secretary for the Environment and Food will be transferred to the Secretary for the Environment, Transport and Works and the Secretary for Health, Welfare and Food respectively.

4. Paragraphs 5(a) and 10(a) of the revised Resolution provide that statutory functions currently exercisable by the Secretary for the Environment and Food by virtue of the ordinances specified in column 2 of Schedules 5 and 10 to the Resolution be transferred to the Secretary for the Environment, Transport and Works and the Secretary for Health, Welfare and Food respectively. To give full effect to the Resolution, incidental, consequential and supplemental amendments, as appropriate, are introduced. Such amendments are provided for in paragraphs 5(b) and 10(b) as well as Schedules 5 and 10 of the revised Resolution. Most of the amendments are to replace references to “Secretary for the Environment and Food” in the relevant ordinances with references to “Secretary for the Environment, Transport and Works” or “Secretary for Health, Welfare and Food”. Paragraphs 5 and 10 and Schedules 5 and 10 of the revised Resolution are attached at Annexes A and B respectively.

5. A summary of the major statutory functions of the Secretary for the Environment and Food under existing legislation to be transferred to the Secretary for the Environment, Transport and Works and the Secretary for Health, Welfare and Food respectively and the textual amendments to the relevant ordinances is attached as Annexes C and D.

### **Advice Sought**

6. Members are invited to consider paragraphs 5 and 10 and Schedules 5 and 10 of the revised Resolution.

(5) with effect from 1 July 2002 -

(a) the functions exercisable by the Secretary for the Environment and Food by virtue of the Ordinances specified in column 2 of Schedule 5 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 5 be amended by repealing "Secretary for the Environment and Food" wherever it appears and substituting "Secretary for the Environment, Transport and Works";

(ii) the Water Pollution Control (Appeal Board) Regulations (Cap. 358 sub. leg.) be amended, in Form 1 of the Schedule, by repealing "Secretary" and substituting "*Secretary for the Environment, Transport and Works*";

(iii) the Water Pollution Control (Sewerage) Regulation (Cap. 358 sub. leg.) be amended -

(A) in Part I of Schedule 1, by repealing "環境食物局局長" wherever it appears and substituting "局長";

(B) in Part II of Schedule 2, under the heading "**Particular Modifications and Additions**", in respect of the reference to section 2, by repealing paragraph (a)(iii);

(iv) the Environment and Conservation Fund Ordinance (Cap. 450) be amended, in section 10, by repealing everything after "before" and substituting -

"1 January 2000 has effect -

(a) on and after that date but before 1 July 2002 as if done by the Secretary for the Environment and Food; and

(b) on and after 1 July 2002 as if done by the Secretary for the Environment, Transport and Works.";

(10) with effect from 1 July 2002 -

- (a) the functions exercisable by the Secretary for the Environment and Food by virtue of the Ordinances specified in column 2 of Schedule 10 be transferred to the Secretary for Health, Welfare and Food;
- (b) for the purpose of giving full effect to subparagraph (a), the provisions specified in Schedule 10 be amended by repealing "Secretary for the Environment and Food" wherever it appears and substituting "Secretary for Health, Welfare and Food";

## SCHEDULE 5

[para. (5)(a) &amp; (b)]

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

Item	Ordinance	Provision
1.	Forests and Countryside Ordinance (Cap. 96)	Section 2 (the definition of "Secretary").
2.	Wild Animals Protection Ordinance (Cap. 170)	Section 22(1) and (2).
3.	Animals and Plants (Protection of Endangered Species) Ordinance (Cap. 187)	Section 19(1A).
4.	Air Pollution Control Ordinance (Cap. 311)	Section 2 (the definition of "Secretary").
5.	Air Pollution Control (Appeal Board) Regulations (Cap. 311 sub. leg.)	Regulation 2 (the definition of "Secretary").
6.	Air Pollution Control (Specified Processes) Regulations (Cap. 311 sub. leg.)	Second Schedule (Form 5), Fourth and Fifth Schedules.
7.	Waste Disposal Ordinance (Cap. 354)	Section 2(1) (the definition of "Secretary").
8.	Waste Disposal (Charges for Disposal of Waste) Regulation (Cap. 354 sub. leg.)	Section 1.
9.	Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg.)	Section 8.
10.	Water Pollution Control Ordinance (Cap. 358)	Section 2(1) (the definition of "Secretary").
11.	Noise Control Ordinance (Cap. 400)	Section 2 (the definition of "Secretary").
12.	Noise Control (Appeal Board) Regulations (Cap. 400 sub. leg.)	Schedule (Forms 1 (note 3), 2 (note 2) and 2A

- (note 2)).
13. Ozone Layer Protection Ordinance (Cap. 403) Section 2 (the definition of "Secretary").
  14. Environment and Conservation Fund Ordinance (Cap. 450) Section 2 (the definition of "Secretary").
  15. Dumping at Sea Ordinance (Cap. 466) Sections 1(2) and 4(2).
  16. Marine Parks Ordinance (Cap. 476) Section 20(1).
  17. Marine Parks and Marine Reserves Regulation (Cap. 476 sub. leg.) Section 18(1).
  18. Environmental Impact Assessment Ordinance (Cap. 499) Schedule 1 (the definition of "Secretary").

AMENDMENTS RELATING TO TRANSFER OF FUNCTIONS OF SECRETARY  
FOR THE ENVIRONMENT AND FOOD TO SECRETARY FOR  
HEALTH, WELFARE AND FOOD

Item	Ordinance	Provision
1.	Dutiable Commodities Ordinance (Cap. 109)	Sections 6(4A)(a) and 6A.
2.	Dutiable Commodities (Liquor) Regulations (Cap. 109 sub. leg.)	Regulations 2(1) (the definition of "prescribed fee") and 2A(5) and (6).
3.	Public Health and Municipal Services Ordinance (Cap. 132)	Sections 55(6)(b)(i) and (d)(i) and 125I(1) and (1)(b) and (2) and Third Schedule (the entries relating to sections 15, 26, 28, 29, 35, 42, 49, 77, 80, 83A, 92B, 94A, 104, 116, 123, 123C, 124E and 124I).
4.	Milk Regulation (Cap. 132 sub. leg.)	Section 4.
5.	Pesticides Ordinance (Cap. 133)	Section 19(1B) and (1C).
6.	Public Health (Animals and Birds) (Chemical Residues) Regulation (Cap. 139 sub. leg.)	Section 1.
7.	Dogs and Cats Ordinance (Cap. 167)	Section 2 (the definition of "Secretary").
8.	Agricultural Products (Marketing) Ordinance (Cap. 277)	Section 4(6).
9.	Rabies Ordinance (Cap. 421)	Section 2 (the definition of "Secretary").
10.	Plant Varieties Protection Ordinance	Sections 4(2)



- (Cap. 490) and 42(1).
11. Whaling Industry (Regulation) Ordinance (Cap. 496) Sections 2 (the definition of "licensing authority"), 4(5) and 5(1).
12. Veterinary Surgeons Registration Ordinance (Cap. 529) Sections 3(2) and (2)(c), 4(2), 5(h), 7(1), 28(1) and 29(2) and Schedule 1 (sections 1(2), 2 and 3(6)).
13. Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570) Section 17.
14. Public Health and Municipal Services (Amendment) Ordinance 2002 (1 of 2002) Section 1(2) and section 3 (the new section 128D(6) and (20)).

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

<b>The Resolution</b>	<b>Cap</b>	<b>Description</b>	<b>Textual Amendments Provided for in the Resolution</b>
Item 1 of Schedule 5	96 Forests and Countryside Ordinance	<p>This ordinance consolidates and amends the law relating to forests and plants, and provides for the protection of the countryside.</p> <p>Major function to be transferred from SEF to SETW is:</p> <ul style="list-style-type: none"> <li>• power to make regulations</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 1.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Transport and Works”.</li> <li>- <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境運輸及工務局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 2 of Schedule 5	170 Wild Animals Protection Ordinance	<p>This ordinance provides for the conservation of wild animals.</p> <p>Major function to be transferred from SEF to SETW is:</p> <ul style="list-style-type: none"> <li>• power to amend Schedules</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 2.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Transport and Works”.</li> <li>- <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “環境運輸及工務局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 3 of Schedule 5	187 Animals and Plants (Protection of Endangered Species) Ordinance	<p>This ordinance restricts the importation, exportation and possession of certain animals and plants, and parts of such animals and plants.</p> <p>Major function to be transferred from SEF to SETW is:</p> <ul style="list-style-type: none"> <li>• power to amend Schedules</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 3.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Transport and Works”.</li> <li>- <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境運輸及工務局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 4 of Schedule 5	311 Air Pollution Control Ordinance	<p>This ordinance provides for abating, prohibiting and controlling pollution of the atmosphere and for matters connected therewith.</p> <p>Major functions to be transferred from SEF to SETW are:</p> <ul style="list-style-type: none"> <li>• power to publish approved methods or standards for the purpose of this Ordinance</li> <li>• power to establish quality objectives for the purpose of this Ordinance</li> <li>• power to give direction in which the Authority should exercise his powers</li> <li>• power to issue technical memoranda relating to air pollution</li> <li>• powers relating to applications for renewal and transfer of licences</li> <li>• power to specify information to be furnished to the Authority for the purpose of this Ordinance</li> <li>• powers relating to removal of exemption to certain classes of existing premises</li> <li>• powers relating to cessation of exemption in certain circumstances and application of licence</li> <li>• power to issue codes of practice</li> <li>• power to determine the form of a register of information to be kept by the Authority</li> <li>• powers relating to the protection of private information from publicity</li> <li>• power to make regulations</li> <li>• powers relating to the investigation of asbestos</li> <li>• power to specify class of work (the use of asbestos is involved) for which a registered asbestos contractor are not required</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 4.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Transport and Works”.</li> <li>- <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “環境運輸及工務局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 5 of Schedule 5	311D Air Pollution Control (Appeal Board) Regulations	<p>These regulations provide for the procedures for proceedings of the Appeal Board constituted under the Air Pollution Control Ordinance (Cap.311).</p> <p>Major functions to be transferred from SEF to SETW are:</p> <ul style="list-style-type: none"> <li>• powers and functions relating to appeals lodged with the Appeal Board</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 5.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Transport and Works”.</li> <li>- <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境運輸及工務局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 6 of Schedule 5	311F Air Pollution Control (Specified Processes) Regulations	<p>These regulations provide for the conduct of specified process for the purpose of the Air Pollution Control Ordinance (Cap. 311).</p> <p>Major functions to be transferred from SEF to SETW are:</p> <ul style="list-style-type: none"> <li>• function to receive a copy of Form 5 (Notice of Objection)</li> <li>• power to direct that certain sections of the Air Pollution Control Ordinance shall apply to an application for a renewal or transfer of a license, and an application for a license upon the cessation of exemption</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 6.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Transport and Works”.</li> <li>- <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “環境運輸及工務局局長”.</li> </ul> </li> </ul>

<b>The Resolution</b>	<b>Cap</b>	<b>Description</b>	<b>Textual Amendments Provided for in the Resolution</b>
-	311I Air Pollution Control (Fuel Restriction) Regulations	<p>These regulations provide for the restrictions over the use of fuel in the Shatin Tin fuel restriction area.</p> <p>Major functions to be transferred from SEF to SETW are:</p> <ul style="list-style-type: none"> <li>• function to provide a copy of the plan of the Shatin Tin fuel restriction area for public inspection</li> <li>• power to specify the charge for delivering a copy of the above plan to a person upon request</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 6A.</li> </ul>



<b>The Resolution</b>	<b>Cap</b>	<b>Description</b>	<b>Textual Amendments Provided for in the Resolution</b>
-	311T Air Pollution Control (Dry-Cleaning Machines)(Vapour Recovery) Regulations	<p>These regulations provide for matters relating to the regulation of dry-cleaning machines.</p> <p>Major functions to be transferred from SEF to SETW is:</p> <ul style="list-style-type: none"> <li>power to specify places at which a register kept under section 5 should be made available for public inspection</li> </ul>	<ul style="list-style-type: none"> <li>Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 6B.</li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 7 of Schedule 5	354 Waste Disposal Ordinance	<p>This ordinance provides for the control and regulation of the production, storage, collection and disposal including the treatment, reprocessing and recycling of waste of any class or description, the licensing and registration of places and persons connected with any such activity, and the protection and safety of the public in relation to any such activity.</p> <p>Major functions to be transferred from SEF to SETW are:</p> <ul style="list-style-type: none"> <li>• power and functions relating to the preparation of waste disposal plan</li> <li>• powers relating to arrangements for waste disposal</li> <li>• power to issue codes of practice</li> <li>• power to amend Schedules</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 7.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Transport and Works”.</li> <li>- <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境運輸及工務局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 8 of Schedule 5	354K Waste Disposal (Charges for Disposal of Waste) Regulation	<p>This regulation provides for the charges of disposal of waste.</p> <p>Major function to be transferred from SEF to SETW is:</p> <ul style="list-style-type: none"> <li>power to appoint a day on which this Regulation will come into effect</li> </ul>	<ul style="list-style-type: none"> <li>Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 8.</li> <li>Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li><u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Transport and Works”.</li> <li><u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境運輸及工務局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 9 of Schedule 5	354L Waste Disposal (Designated Waste Disposal Facility) Regulation	<p>This regulation provides for the designated waste disposal facility.</p> <p>Major function to be transferred from SEF to SETW is:</p> <ul style="list-style-type: none"> <li>• power to amend Schedule</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 9.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Transport and Works”.</li> <li>- <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境運輸及工務局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 10 of Schedule 5	358 Water Pollution Control Ordinance	<p>This ordinance controls the pollution of the waters of Hong Kong.</p> <p>Major functions to be transferred from SEF to SETW are:</p> <ul style="list-style-type: none"> <li>• duty to comply with any directions given by the Chief Executive in the exercise or performance of his powers, functions and duties under this Ordinance</li> <li>• power to establish water quality objectives for each water control zone</li> <li>• power to give directions to Director of Environmental Protection as to the manner of the latter's exercising certain powers</li> <li>• power to issue technical memorandums</li> <li>• power to determine the form to be kept by the registrar concerning a discharge or a deposit</li> <li>• power to determine the place at which the forms should be opened for inspection</li> <li>• power to determine whether to protect any information from public access</li> <li>• power to impose fees and charges</li> <li>• power to refer a case to the Chief Executive in Council for review of the Appeal Board's decision</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 10.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Transport and Works”.</li> <li>- <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境運輸及工務局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Paragraph (5)(b)(ii)	Cap. 358C Water Pollution Control (Appeal Board) Regulations	<p>These regulations provides for the proceedings of the Appeal Board constituted under the Water Pollution Control Ordinance (Cap.358).</p> <p>Form 1 of the Schedule is the form used for lodging appeals against a requirement or decision of the Director of Environmental Protection or SEF under the Water Pollution Control Ordinance.</p> <p>Major functions to be transferred from SEF to SETW is:</p> <ul style="list-style-type: none"> <li>• function to serve as a respondent in an appeal</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 10A.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> Form 1 of the Schedule is amended by repealing “Secretary” and substituting “Secretary for the Environment, Transport and Works”.</li> <li>- <u>Chinese text</u> Form 1 of the Schedule is by repealing “環境食物局局長” and substituting “環境運輸及工務局局長”.</li> </ul> </li> </ul>

<b>The Resolution</b>	<b>Cap</b>	<b>Description</b>	<b>Textual Amendments Provided for in the Resolution</b>
-	358D Water Pollution Control (General) Regulations	<p>These regulations provides for matters relating to the application for licenses made under the Water Pollution Control Ordinance (Cap. 358).</p> <p>Major functions to be transferred from SEF to SETW are:</p> <ul style="list-style-type: none"> <li>• power to delineate a part of a Water Control Zone for the purpose of establishing different water quality objectives</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 10AA.</li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Paragraph (5)(b)(iii)	Cap. 358AL Water Pollution Control (Sewerage) Regulation	<p>This regulation provides for matters relating to the construction, maintenance, repair and demolition of sewerage.</p> <p>Major functions to be transferred from SEF to SETW are:</p> <ul style="list-style-type: none"> <li>• power and functions relating to the handling of claims and objections</li> <li>• power to request claimant to give particulars of the claim</li> <li>• power to admit or reject claims</li> <li>• power and functions relating to proceedings of the Lands Tribunal</li> <li>• power to require a claimant to surrender his documents of title</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 10B.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> <ul style="list-style-type: none"> <li>(a) Part II of Schedule 2 under the heading “Modifications and Additions,” is amended by repealing paragraph (a)(iii). The definition of “Secretary” provided for in the existing paragraph (a)(iii) is to allow the Roads (Works, Use and Compensation) Ordinance (Cap. 370) to be applicable to works or the construction, maintenance, repair or demolition of sewerage under this Regulation, with SEF carrying out the roles of Secretary for Transport in Cap. 370. As the new SETW will look after matters relating to both transport and environment, there is no need to provide for this definition.</li> </ul> </li> <li>- <u>Chinese text</u> <ul style="list-style-type: none"> <li>(a) Part I of Schedule 1 is amended by repealing “環境食物局局長” and substituting “局長”.</li> <li>(b) Part II of Schedule 2 is amended by repealing paragraph (a)(iii) for reason specified above.</li> </ul> </li> </ul> </li> </ul>



The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 11 of Schedule 5	400 Noise Control Ordinance	<p>This ordinance provides for the prevention, minimizing and abatement of noise; the appointment of a Noise Control Authority; and the powers and duties of the Noise Control Authority relating to the control of noise.</p> <p>Major functions to be transferred from SEF to SETW are:</p> <ul style="list-style-type: none"> <li>• powers to establish an area as a designated area and to issue technical memoranda</li> <li>• power to set the maximum duration of an audible signal emitted by an intruder alarm system installed in any premises after the signal is activated</li> <li>• power to set the maximum duration of an audible signal emitted by an intruder alert system installed in a vehicle after the signal is activate</li> <li>• power to make regulations</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 11.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Transport and Works”.</li> <li>- <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境運輸及工務局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 12 of Schedule 5	400B Noise Control (Appeal Board) Regulations	<p>These regulations provide for matters relating to appeals under the Noise Control Ordinance (Cap.400).</p> <p>Major function to be transferred from SEF to SETW is:</p> <ul style="list-style-type: none"> <li>function to receive notice of appeals on behalf the Chairman of the Appeal Board</li> </ul>	<ul style="list-style-type: none"> <li>Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 12.</li> <li>Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li><u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Transport and Works”.</li> <li><u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “環境運輸及工務局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 13 of Schedule 5	403 Ozone Layer Protection Ordinance	<p>This ordinance gives effect to Hong Kong's international obligations under the 1985 Vienna Convention for the Protection of the Ozone Layer and the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer; provides for the prohibition of the manufacture of, and controls the importation and exportation of, and conserves the resources of, substances that deplete the ozone layer and of products containing or made with those substances.</p> <p>Major functions to be transferred from SEF to SETW are:</p> <ul style="list-style-type: none"> <li>• powers to receive, consider and approve or reject claims for return of things forfeited under section 14(4A) of the ordinance</li> <li>• power to amend Schedule to the ordinance</li> <li>• power to make regulations after consultation with the Advisory Council on Environment</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 13.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Transport and Works”.</li> <li>- <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境運輸及工務局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 14 of Schedule 5	450 Environment and Conservation Fund Ordinance	<p>This ordinance establishes a trust fund called the Environment and Conservation Fund and provides for its administration.</p> <p>Major functions to be transferred from SEF to SETW are:</p> <ul style="list-style-type: none"> <li>• functions to serve as the trustee for the fund and powers relating to the fund thus arising</li> <li>• functions to serve as an ex-officio member of the Environment and Conservation Fund Committee</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 14.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> <ul style="list-style-type: none"> <li>(a) Section 2 is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Transport and Works”.</li> <li>(b) Section 10 is amended by repealing everything after “before” and substituting “1 January 2000 has effect – <ul style="list-style-type: none"> <li>(a) on and after that but before 1 July 2002 as if done by the Secretary for the Environment and Food; and</li> <li>(b) on and after 1 July 2002 as if done by the Secretary for the Environment, Transport and Works.”</li> </ul> </li> </ul> </li> </ul> <p>This is to ensure that anything previously done under by the relevant bureau secretaries will continue to have effect upon the re-organization of bureaux as if it is done by SETW.</p> <ul style="list-style-type: none"> <li>- <u>Chinese text</u> <ul style="list-style-type: none"> <li>(a) Section 2 is amended by repealing “環境食物局局長” and substituting “環境運輸及工務局局長”.</li> </ul> </li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
			<p>(b) Section 10 is amended by repealing everything after “緊接” and substituting “2000 年 1 月 1 日前是有效的事情 –</p> <p>(a) 在該日期當日直至 2002 年 7 月 1 日之前依然有效，猶如它們是由環境食物局局長作出的一樣；及</p> <p>(b) 在 2002 年 7 月 1 日當日及以後依然有效，猶如它們是由環境運輸及工務局局長作出的一樣。”</p> <p>for the purpose specified above.</p>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 15 of Schedule 5	466 Dumping at Sea Ordinance	<p>This ordinance controls the disposal of substances and articles at sea and the dumping of substances and articles in the sea and under the sea-bed.</p> <p>Major functions to be transferred from SEF to SETW are:</p> <ul style="list-style-type: none"> <li>• power to specify that certain operations do not need a permit</li> <li>• power to specify the offices at which public may inspect technical memorandum</li> <li>• duty to publish technical memorandum in the Gazette and table it at the LegCo</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 15.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Transport and Works”.</li> <li>- <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “環境運輸及工務局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 16 of Schedule 5	476 Marine Parks Ordinance	<p>This ordinance provides for the designation, control and management of marine parks and marine reserves.</p> <p>Major function to be transferred from SEF to SETW is:</p> <ul style="list-style-type: none"> <li>• powers to make regulations</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 16.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Transport and Works”.</li> <li>- <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境運輸及工務局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 17 of Schedule 5	476A Marine Parks and Marine Reserves Regulation	<p>This regulation prohibits and controls certain activities in a marine park or marine reserve.</p> <p>Major function to be transferred from SEF to SETW is:</p> <ul style="list-style-type: none"> <li>power to amend Schedule 1 – list of special zones</li> </ul>	<ul style="list-style-type: none"> <li>Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 17.</li> <li>Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li><u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Transport and Works”.</li> <li><u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “環境運輸及工務局局長”.</li> </ul> </li> </ul>



The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 18 of Schedule 5	499 Environmental Impact Assessment Ordinance	<p>This ordinance provides for assessing the impact on the environment of certain projects and proposals and for protecting the environment.</p> <p>Major functions to be transferred from SEF to SETW are:</p> <ul style="list-style-type: none"> <li>• power to amend schedules of designated projects</li> <li>• power to consent to Director of Environmental Protection's (DEP) decision to approve direct application of an environmental permit</li> <li>• power to consent to DEP's decision to suspend, vary or cancel an environmental permit</li> <li>• power to issue technical memoranda</li> <li>• power to consent to DEP's decision to issue cessation order</li> <li>• power to make regulations</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 18.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Environment, Transport and Works”.</li> <li>- <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “環境運輸及工務局局長”.</li> </ul> </li> </ul>

<b>The Resolution</b>	<b>Cap</b>	<b>Description</b>	<b>Textual Amendments Provided for in the Resolution</b>
-	499A Environmental Impact Assessment (Appeal Board) Regulation	<p>This regulation provides for the practice and procedure of the Appeal Board.</p> <p>Major functions to be transferred from SEF to SETW are:</p> <ul style="list-style-type: none"> <li>• function to serve as a respondent in relation to an appeal</li> <li>• power to specify a project as a designated project</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 18A.</li> </ul>

Constitutional Affairs Bureau

June 2002

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

<b>The Resolution</b>	<b>Cap</b>	<b>Description</b>	<b>Textual Amendments Provided for in the Resolution</b>
Item 1 of Schedule 10	109 Dutiable Commodities Ordinance	<p>This ordinance amends the law relating to the taxation and control of liquors, tobacco, hydrocarbon oil, methyl alcohol and other substances, for providing for the licensing of certain dealings in liquors and for purposes connected therewith.</p> <p>Major functions to be transferred from SEF to SHWF are:</p> <ul style="list-style-type: none"> <li>• power to appoint staff of the board established for the purpose of issuing liquor licences</li> <li>• power to make regulations prescribing fees for liquor licences</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 1.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows:               <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for Health, Welfare and Food”.</li> <li>- <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “衛生福利及食物局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 2 of Schedule 10	109B Dutiable Commodities (Liquor) Regulations	<p>These regulations provide for the establishment, composition and operation of the Liquor Licensing Board.</p> <p>Major functions to be transferred from SEF to SHWF are:</p> <ul style="list-style-type: none"> <li>• power to prescribe fees for liquor licences</li> <li>• power to appoint a secretary and a legal adviser to the Liquor Licensing Board</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 2.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for Health, Welfare and Food”.</li> <li>- <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “衛生福利及食物局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 3 of Schedule 10	132 Public Health and Municipal Services Ordinance	<p>This ordinance provides for public health and municipal services.</p> <p>Major functions to be transferred from SEF to SHWF are:</p> <ul style="list-style-type: none"> <li>• power to make regulations as to composition of food and drugs, etc.</li> <li>• powers to appoint staff of the Licensing Appeals Board</li> <li>• to be designated as the Authority for the purposes of sections 15, 26, 28, 29, 35, 42, 49, 77, 80, 83A, 92B, 94A, 104, 116, 123, 123C, 124E and 124I of the ordinance</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 3.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for Health, Welfare and Food”.</li> <li>- <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “衛生福利及食物局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 4 of Schedule 10	132AQ Milk Regulation	<p>This regulation secures the observance of sanitary and cleanly conditions and practices and wholesome methods in connection with-</p> <p>(a) the sale of food for human consumption or drugs for use by man;</p> <p>(b) the manufacture, preparation, transport, storage, packaging; marking, exposure for sale, service or delivery of food intended for sale or sold for human consumption and drugs intended for sale or sold for use by man, and ice, or otherwise for the protection of the public health in connection with any such matters.</p> <p>Major function to be transferred from SEF to SHWF is:</p> <ul style="list-style-type: none"> <li>power to amend Schedule 1 to the Regulation</li> </ul>	<ul style="list-style-type: none"> <li>Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 4.</li> <li>Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li><u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for Health, Welfare and Food”.</li> <li><u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “衛生福利及食物局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 5 of Schedule 10	133 Pesticides Ordinance	<p>This ordinance provides the registration and control of pesticides.</p> <p>Major function to be transferred from SEF to SHWF is:</p> <ul style="list-style-type: none"> <li>• power to make regulations</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 5.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for Health, Welfare and Food”.</li> <li>- <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “衛生福利及食物局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 6 of Schedule 10	139N Public Health (Animals and Birds) (Chemical Residues) Regulation	<p>This regulation provides for the regulation of chemical residues in food.</p> <p>Major function to be transferred from SEF to SHWF is:</p> <ul style="list-style-type: none"> <li>power to appoint a day on which this Regulation will come into effect</li> </ul>	<ul style="list-style-type: none"> <li>Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 6.</li> <li>Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li><u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for Health, Welfare and Food”.</li> <li><u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “衛生福利及食物局局長”.</li> </ul> </li> </ul>



The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 7 of Schedule 10	167 Dogs and Cats Ordinance	<p>This ordinance provides for the keeping, regulation and control of dogs and cats and for the prohibition of the slaughter of dogs and cats.</p> <p>Major function to be transferred from SEF to SHWF is:</p> <ul style="list-style-type: none"> <li>• power to amend any Schedule to the regulations</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 7.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for Health, Welfare and Food”.</li> <li>- <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “衛生福利及食物局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 8 of Schedule 10	277 Agricultural Products (Marketing) Ordinance	<p>This ordinance provides for the improvement of agriculture, the marketing of agricultural products, and encourages co-operative markets.</p> <p>Major function to be transferred from SEF to SHWF is:</p> <ul style="list-style-type: none"> <li>• power to issue certificates as conclusive evidence for all purposes whatsoever as to who is or was the Director of Marketing for the purposes of this Ordinance</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 8.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for Health, Welfare and Food”.</li> <li>- <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “衛生福利及食物局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 9 of Schedule 10	421 Rabies Ordinance	<p>This ordinance provides for the prevention and control of rabies.</p> <p>Major functions to be transferred from SEF to SHWF are:</p> <ul style="list-style-type: none"> <li>• powers to appoint the Appeal Board Panel and the Appeal Board</li> <li>• function relating to appeals lodged to the Appeal Board</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 9.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provision is amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for Health, Welfare and Food”.</li> <li>- <u>Chinese text</u> The relevant provision is amended by repealing “環境食物局局長” and substituting “衛生福利及食物局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 10 of Schedule 10	490 Plant Varieties Protection Ordinance	<p>This ordinance provides for the protection of plant varieties.</p> <p>Major functions to be transferred from SEF to SHWF are:</p> <ul style="list-style-type: none"> <li>• power to amend schedule of plants to which the ordinance applies</li> <li>• power to make regulations</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 10.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Health, Welfare and Food”.</li> <li>- <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “衛生福利及食物局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 11 of Schedule 10	496 Whaling Industry (Regulation) Ordinance	<p>This ordinance gives effect to the International Convention for the Regulation of Whaling signed at Washington on 2 December 1946; prohibits the taking, towing or treating of whales within the waters of Hong Kong; prohibits the taking, towing or treating of whales by any Hong Kong ship or Hong Kong aircraft outside the waters of Hong Kong without a licence or permit; and provides measures for the conservation and utilisation of whales elsewhere.</p> <p>Major functions to be transferred from SEF to SHWF are:</p> <ul style="list-style-type: none"> <li>• power to amend schedule of names of whales</li> <li>• power to specify by descriptions whales to which sections 6 to 8 of the ordinance shall apply</li> <li>• power relating to granting of licences</li> <li>• power to make regulations prescribing the sum of money to be paid to the master of the ship on which inspection is conducted</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Licensing Authority/發牌當局” are reproduced at Appendix 11.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for the Health, Welfare and Food”.</li> <li>- <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “衛生福利及食物局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 12 of Schedule 10	529 Veterinary Surgeons Registration Ordinance	<p>This ordinance provides for the regulation of the practice of veterinary surgery, the registration of veterinary surgeons and the disciplinary control of the professional activities of registered veterinary surgeons.</p> <p>Major functions to be transferred from SEF to SHWF are:</p> <ul style="list-style-type: none"> <li>• power to appoint members of Veterinary Surgeons Board</li> <li>• power to amend the schedule of provisions that have effect as respects the Board and its member</li> <li>• power to receive qualification standards set by the Board</li> <li>• power to make regulations</li> <li>• power to amend the schedule of exemptions from the ordinance</li> <li>• power to appoint a secretary and a legal adviser to the Board</li> <li>• function relating to the resignation of the Board member</li> <li>• power to declare vacancy in the membership of the Board</li> <li>• power to receive copy of rules made by the Board</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 12.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for Health, Welfare and Food”.</li> <li>- <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “衛生福利及食物局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 13 of Schedule 10	570 Fixed Penalty (Public Cleanliness Offences) Ordinance	<p>This ordinance provides for a fixed penalty to be payable for certain offences relating to public cleanliness.</p> <p>Major functions to be transferred from SEF to SHWF are:</p> <ul style="list-style-type: none"> <li>• power to make regulations</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 13.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for Health, Welfare and Food”.</li> <li>- <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “衛生福利及食物局局長”.</li> </ul> </li> </ul>

The Resolution	Cap	Description	Textual Amendments Provided for in the Resolution
Item 14 of Schedule 10	1 of 2002 Public Health and Municipal Services (Amendment) Ordinance 2002	<p>This ordinance amends the Public Health and Municipal Services Ordinance (Cap. 132).</p> <p>Major functions to be transferred from SEF to SHWF are:</p> <ul style="list-style-type: none"> <li>• power to appoint a date on which this ordinance will come into operation</li> <li>• power to appoint secretary and other staff to the Appeal Board</li> <li>• power to be consulted when rules are made</li> </ul>	<ul style="list-style-type: none"> <li>• Provisions containing references to “Secretary for the Environment and Food/環境食物局局長” and/or “the Secretary/局長” are reproduced at Appendix 14.</li> <li>• Provisions requiring amendments have been marked-up. The amendments are as follows: <ul style="list-style-type: none"> <li>- <u>English text</u> The relevant provisions are amended by repealing “Secretary for the Environment and Food” and substituting “Secretary for Health, Welfare and Food”.</li> <li>- <u>Chinese text</u> The relevant provisions are amended by repealing “環境食物局局長” and substituting “衛生福利及食物局局長”.</li> </ul> </li> </ul>



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