

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

**RESOLUTION OF THE LEGISLATIVE COUNCIL**

Resolution made and passed by the Legislative Council under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1) on 2002.

RESOLVED that -

- (1) with effect from 1 July 2002 -
  - (a) the functions exercisable by the Secretary for Commerce and Industry by virtue of the Ordinances specified in column 2 of Schedule 1 be transferred to the Secretary for Commerce, Industry and Manpower, as provided for by the amendments made under subparagraph (b);
  - (b) for the purpose of giving full effect to subparagraph (a), the provisions specified in Schedule 1 be amended by repealing "Secretary for Commerce and Industry" wherever it appears and substituting "Secretary for Commerce, Industry and Manpower";

(2) with effect from 1 July 2002 -

(a) the functions exercisable by the Secretary for Education and Manpower by virtue of the Ordinances specified in column 2 of Schedule 2 be transferred to the Secretary for Commerce, Industry and Manpower, as provided for by the amendments made under subparagraph (b);

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

(i) the provisions specified in Schedule 2 (other than items 4, 6, 7 and 8) be amended by repealing "Secretary for Education and Manpower" wherever it appears and substituting "Secretary for Commerce, Industry and Manpower";

(ii) the Employees Compensation Assistance Ordinance (Cap. 365) be amended -

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

" "Secretary" (局長) means  
the Secretary for  
Commerce, Industry  
and Manpower. " ;

- (B) in the provisions specified in item 4 of Schedule 2, by repealing "教育統籌局局長" wherever it appears and substituting "局長";
- (iii) the Employees' Compensation Insurance Levies Ordinance (Cap. 411) be amended -
  - (A) in section 2, by repealing the definition of "Secretary" and substituting -
    - " "Secretary" (局長) means  
the Secretary for  
Commerce, Industry  
and Manpower." ;
  - (B) in the provisions specified in item 6 of Schedule 2, by repealing "教育統籌局局長" wherever it appears and substituting "局長";
- (iv) the Employees Retraining Ordinance (Cap. 423) be amended -
  - (A) in section 2, by repealing the definition of "Secretary" and substituting -

"Secretary" (局長) means  
the Secretary for  
Commerce, Industry  
and Manpower;"

(B) in the provisions specified in  
item 7 of Schedule 2, by  
repealing "教育統籌局局長"  
wherever it appears and  
substituting "局長";

(v) the Occupational Deafness  
(Compensation) Ordinance (Cap. 469)  
be amended -

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

"Secretary" (局長) means  
the Secretary for  
Commerce, Industry  
and Manpower;"

(B) in the provisions specified in  
item 8 of Schedule 2, by  
repealing "教育統籌局局長"  
wherever it appears and  
substituting "局長";

(3) with effect from 1 July 2002 -

(a) the functions exercisable by the Secretary for Economic Services by virtue of the Ordinances specified in column 2 of Schedule 3 be transferred to the Secretary for Economic Development, as provided for by the amendments made under subparagraph (b);

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

(i) the provisions specified in Schedule 3 (other than items 2, 3, 4, 5, 6, 7, 24 and 26(b)) be amended by repealing "Secretary for Economic Services" wherever it appears and substituting "Secretary for Economic Development";

(ii) the Gas Safety Ordinance (Cap. 51) be amended -

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

" "Secretary" (局長) means  
the Secretary for  
Economic  
Development;";

(B) in the provisions specified in item 2 of Schedule 3, by

repealing "經濟局局長" wherever it appears and substituting "局長";

- (iii) the Gas Safety (Gas Supply) Regulations (Cap. 51 sub. leg.) be amended, in the provisions specified in item 3 of Schedule 3, by repealing "經濟局局長" wherever it appears and substituting "局長";
- (iv) the Gas Safety (Registration of Gas Installers and Gas Contractors) Regulations (Cap. 51 sub. leg.) be amended, in the provisions specified in item 4 of Schedule 3, by repealing "經濟局局長" wherever it appears and substituting "局長";
- (v) the Gas Safety (Registration of Gas Supply Companies) Regulations (Cap. 51 sub. leg.) be amended, in the provision specified in item 5 of Schedule 3, by repealing "經濟局局長" and substituting "局長";
- (vi) the Gas Safety (Miscellaneous) Regulations (Cap. 51 sub. leg.) be amended, in the provision specified in item 6 of Schedule 3, by

repealing "經濟局局長" and

substituting "局長";

(vii) the Gas Safety (Gasholders Examination) Regulation (Cap. 51 sub. leg.) be amended, in the provision specified in item 7 of Schedule 3, by repealing "經濟局局長" and substituting "局長";

(viii) the Consumer Goods Safety Ordinance (Cap. 456) be amended -

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

"Secretary" (局長) means

the Secretary for

Economic

Development;" ;

(B) in the provisions specified in item 24 of Schedule 3, by repealing "經濟局局長" wherever it appears and substituting "局長";

(ix) the Freight Containers (Safety) Ordinance (Cap. 506) be amended -

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

" "Secretary" (局長) means  
the Secretary for  
Economic  
Development;";

(B) in the provision specified in item 26(b) of Schedule 3, by repealing "經濟局局長" and substituting "局長";



(4) with effect from 1 July 2002 -

(a) the functions exercisable by the Secretary for Information Technology and Broadcasting by virtue of the Ordinances specified in column 2 of Schedule 4 be transferred to the Secretary for Economic Development, as provided for by the amendments made under subparagraph (b);

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

(i) the provisions specified in Schedule 4 (other than items 2 (b) and 3) be amended by repealing "Secretary for Information Technology and Broadcasting" wherever it appears and substituting "Secretary for Economic Development";

(ii) the Film Censorship Ordinance (Cap. 392) be amended -

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

" "Secretary" (局長) means  
the Secretary for  
Economic  
Development;";

(B) in the provisions specified in item 2(b) of Schedule 4, by

repealing "資訊科技及廣播局局長"

wherever it appears and

substituting "局長";

- (iii) the Film Censorship Regulations (Cap. 392 sub. leg.) be amended, in the provisions specified in item 3 of Schedule 4, by repealing "資訊科技及廣播局局長" wherever it appears and substituting "局長";

(5) with effect from 1 July 2002 -

(a) the functions exercisable by the Secretary for Education and Manpower by virtue of the Ordinances specified in column 2 of Schedule 5 be transferred to the Secretary for Education, as provided for by the amendments made under subparagraph (b);

(b) for the purpose of giving full effect to subparagraph (a), the provisions specified in Schedule 5 be amended by repealing "Secretary for Education and Manpower" wherever it appears and substituting "Secretary for Education";

(6) 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 6 be transferred to the Secretary for the Environment, Health and Welfare, as provided for by the amendments made under subparagraph (b);

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

(i) the provisions specified in Schedule 6 be amended by repealing "Secretary for the Environment and Food" wherever it appears and substituting "Secretary for the Environment, Health and Welfare";

(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, Health and Welfare*";

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

(A) in Part I of Schedule 1, by repealing "Secretary" wherever it appears and substituting

"Secretary for the Environment,  
Health and Welfare";

(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) and  
substituting -

"(iii) in the definition of  
"Secretary", repeal  
"Secretary for  
Transport and Works"  
and substitute  
"Secretary for the  
Environment, Health  
and Welfare";";

(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,  
Health and  
Welfare.";

(7) with effect from 1 July 2002 -

(a) the functions exercisable by the Secretary for Health and Welfare by virtue of the Ordinances specified in column 2 of Schedule 7 be transferred to the Secretary for the Environment, Health and Welfare, as provided for by the amendments made under subparagraph (b);

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

(i) the provisions specified in Schedule 7 (other than items 20(b), 22 and 31) be amended by repealing "Secretary for Health and Welfare" wherever it appears and substituting "Secretary for the Environment, Health and Welfare";

(ii) the Smoking (Public Health) Ordinance (Cap. 371) be amended -  
(A) in section 2, by repealing the definition of "Secretary" and substituting -

" "Secretary" (局長) means  
the Secretary for the  
Environment, Health  
and Welfare;";

- (B) in the provisions specified in item 20(b) of Schedule 7, by repealing "衛生福利局局長" wherever it appears and substituting "局長";
- (iii) the Hong Kong War Memorial Pensions Ordinance (Cap. 386) be amended -
- (A) in section 2, by repealing the definition of "Secretary" and substituting -
- "Secretary" (局長) means
- the Secretary for the Environment, Health and Welfare;"
- (B) in the provisions specified in item 22 of Schedule 7, by repealing "衛生福利局局長" wherever it appears and substituting "局長";
- (iv) the Social Workers Registration Ordinance (Cap. 505) be amended -
- (A) in section 2(1), by repealing the definition of "Secretary" and substituting -
- "Secretary" (局長) means
- the Secretary for the



Environment, Health  
and Welfare;" ;

(B) in the provisions specified in  
item 31 of Schedule 7, by  
repealing "衛生福利局局長"  
wherever it appears and  
substituting "局長";

(8) with effect from 1 July 2002 -

(a) the functions exercisable by the Secretary for Financial Services by virtue of the Ordinances specified in column 2 of Schedule 8 be transferred to the Secretary for Financial Services and the Treasury, as provided for by the amendments made under subparagraph (b);

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

(i) the provisions specified in Schedule 8 (other than items 9 and 10) be amended by repealing "Secretary for Financial Services" wherever it appears and substituting "Secretary for Financial Services and the Treasury";

(ii) the Exchanges (Special Levy)

Ordinance (Cap. 351) be amended -

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

" "Secretary" (局長) means

the Secretary for  
Financial Services  
and the Treasury;" ;

(B) in the provisions specified in item 9 of Schedule 8, by

repealing "財經事務局局長"

wherever it appears and

substituting "局長";

- (iii) the Exchanges (Special Levy) Rules (Cap. 351 sub. leg.) be amended, in the provision specified in item 10 of Schedule 8, by repealing "財經事務局局長" and substituting "局長";

(9) with effect from 1 July 2002 -

(a) the functions exercisable by the Secretary for the Treasury by virtue of the Ordinances specified in column 2 of Schedule 9 be transferred to the Secretary for Financial Services and the Treasury, as provided for by the amendments made under subparagraph (b);

(b) for the purpose of giving full effect to subparagraph (a), the provisions specified in Schedule 9 be amended by repealing "Secretary for the Treasury" wherever it appears and substituting "Secretary for Financial Services and the Treasury";

(10) with effect from 1 July 2002 -

(a) the functions exercisable by the Secretary for Housing by virtue of the Ordinances specified in column 2 of Schedule 10 be transferred to the Secretary for Housing, Planning and Lands, as provided for by the amendments made under subparagraph (b);

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

(i) the provisions specified in Schedule 10 (other than items 2(b) and 3) be amended by repealing "Secretary for Housing" wherever it appears and substituting "Secretary for Housing, Planning and Lands";

(ii) the Estate Agents Ordinance (Cap. 511) be amended -

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

"Secretary" (局長) means

the Secretary for  
Housing, Planning and  
Lands;";

(B) in the provisions specified in item 2(b) of Schedule 10, by repealing "房屋局局長" wherever

it appears and substituting "局長";

- (iii) the Estate Agents (Licensing) Regulation (Cap. 511 sub. leg.) be amended, in section 7(5), in paragraph (a) of the definition of "compliance with the relevant condition" and the definition of "relevant examination", by repealing "Secretary for Housing" and substituting "Secretary";
- (iv) the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation (Cap. 511 sub. leg.) be amended, in the provision specified in item 3 of Schedule 10, by repealing "房屋局局長" and substituting "局長";

(11) with effect from 1 July 2002 -

(a) the functions exercisable by the Secretary for Planning and Lands by virtue of the Ordinances specified in column 2 of Schedule 11 be transferred to the Secretary for Housing, Planning and Lands, as provided for by the amendments made under subparagraph (b);

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

(i) the provisions specified in Schedule 11 (other than item 4) be amended by repealing "Secretary for Planning and Lands" wherever it appears and substituting "Secretary for Housing, Planning and Lands";

(ii) the Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301) be amended -

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

" "Secretary" (局長) means

the Secretary for  
Housing, Planning and  
Lands." ;

(B) in the provisions specified in item 4 of Schedule 11, by

repealing "規劃地政局局長"

wherever it appears and

substituting "局長";



(12) with effect from 1 July 2002 -

(a) the functions exercisable by the Secretary for Transport by virtue of the Ordinances specified in column 2 of Schedule 12 be transferred to the Secretary for Transport and Works, as provided for by the amendments made under subparagraph (b);

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

(i) the provisions specified in Schedule 12 (other than items 2(b), 4, 5, 10, 11, 13(b), 17, 18(b), 19(b), 21, 22 and 23) be amended by repealing "Secretary for Transport" wherever it appears and substituting "Secretary for Transport and Works";

(ii) the Lands Tribunal Rules (Cap. 17 sub. leg.) be amended -

(A) in rule 43, by repealing the definition of "Secretary" and substituting -

" "Secretary" (局長) has the same meaning as in the Ordinance. ";

(B) in the provisions specified in item 2(b) of Schedule 12, by repealing "運輸局局長" wherever

it appears and substituting "局長";

(iii) the Tramway Regulations (Cap. 107 sub. leg.) be amended -

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

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

(B) in the provisions specified in item 4 of Schedule 12, by repealing "運輸局局長" wherever it appears and substituting "局長";

(iv) the Eastern Harbour Crossing Ordinance (Cap. 215) be amended -

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

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

- (B) in the provisions specified in item 5 of Schedule 12, by repealing "運輸局局長" wherever it appears and substituting "局長";
- (v) the Peak Tramway (Safety) Regulations (Cap. 265 sub. leg.) be amended -
- (A) in regulation 2, by repealing the definition of "Secretary" and substituting -
- "Secretary" (局長) means
- the Secretary for  
Transport and  
Works;";
- (B) in the provisions specified in item 10 of Schedule 12, by repealing "運輸局局長" wherever it appears and substituting "局長";
- (vi) the Water Pollution Control (Sewerage) Regulation (Cap. 358 sub. leg.) be amended, in Part II of Schedule 2, in paragraph 1(1), (2) and (3), by repealing "運輸局";

- (vii) the Roads (Works, Use and Compensation) Ordinance (Cap. 370) be amended -
  - (A) in section 2(1), by repealing the definition of "Secretary" and substituting -
    - "Secretary" (局長) means  
the Secretary for  
Transport and  
Works;"
  - (B) in the provisions specified in item 11 of Schedule 12, by repealing "運輸局局長" wherever it appears and substituting "局長";
- (viii) the Kowloon-Canton Railway Corporation Regulations (Cap. 372 sub. leg.) be amended -
  - (A) in regulation 1A, by repealing the definition of "Secretary" and substituting -
    - "Secretary" (局長) means  
the Secretary for  
Transport and  
Works;"
  - (B) in the provisions specified in item 13(b) of Schedule 12, by

repealing "運輸局局長" wherever it appears and substituting "局長";

(ix) the Tate's Cairn Tunnel Ordinance (Cap. 393) be amended -

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

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

(B) in the provisions specified in item 17 of Schedule 12, by repealing "運輸局局長" wherever it appears and substituting "局長";

(x) the Western Harbour Crossing Ordinance (Cap. 436) be amended -

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

"Secretary" (局長) means,  
subject to subsection  
(2), the Secretary

for Transport and  
Works";

(B) in the provisions specified in item 18(b) of Schedule 12, by repealing "運輸局局長" wherever it appears and substituting "局長";

(xi) the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474) be amended -

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

"Secretary" (局長) means,

subject to subsection  
(2), the Secretary  
for Transport and  
Works";

(B) in the provisions specified in item 19(b) of Schedule 12, by repealing "運輸局局長" wherever it appears and substituting "局長";

(xii) the Tsing Ma Control Area Ordinance (Cap. 498) be amended -

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

"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;"

(B) in the provisions specified in item 21 of Schedule 12, by repealing "運輸局局長" wherever it appears and substituting "局長";

(xiii) the Railways Ordinance (Cap. 519) be amended -

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

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

- (B) in the provisions specified in item 22 of Schedule 12, by repealing "運輸局局長" wherever it appears and substituting "局長";
- (xiv) the Discovery Bay Tunnel Link Ordinance (Cap. 520) be amended -
  - (A) in section 2(1), by repealing the definition of "the Secretary" and substituting -
    - "Secretary" (局長) means  
the Secretary for  
Transport and  
Works";
  - (B) in the provisions specified in item 23 of Schedule 12, by repealing "運輸局局長" wherever it appears and substituting "局長";
- (xv) the Mass Transit Railway Ordinance (Cap. 556) be amended, in section 3, by repealing "Secretary" and substituting "Secretary for Transport";



(13) 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 13 be transferred to the Secretary for Transport and Works, as provided for by the amendments made under subparagraph (b);

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

(i) the provisions specified in Schedule 13 (other than item 8) be amended by repealing "Secretary for Works" wherever it appears and substituting "Secretary for 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  
Transport and  
Works;";

(B) in the provisions specified in item 8 of Schedule 13, by repealing "工務局局長" wherever

it appears and substituting "局

長";

(14) in addition to and without derogating from section 23 of the Interpretation and General Clauses Ordinance (Cap. 1) -

- (a) anything lawfully done before 1 July 2002 ("commencement date") by or in relation to a public officer from whom any function is transferred under this Resolution ("former officer") pursuant to or in connection with that function shall on and from that date be regarded, in so far as necessary for the purpose or in consequence of that transfer, as done by or in relation to, as the case may be, the public officer to whom that function is transferred ("new officer");
- (b) anything that, immediately before the commencement date -
  - (i) may be done and is in the process of being done by or in relation to a former officer pursuant to or in connection with any function transferred under this Resolution may; and
  - (ii) is required to be done and is in the process of being done by or in relation to a former officer pursuant to or in connection with any function transferred under this Resolution shall,

on and from that date, be continued by or in relation to, as the case may be, the new officer;

(c) without limiting subparagraphs (a) and (b) -

(i) any document, agreement or arrangement creating or giving rise to legal rights or obligations that -

(A) refers to a former officer, or was prepared, made or entered into by a former officer on behalf of the Government; and

(B) is in force immediately before, or is to come into force on or after, the commencement date,

shall on and from that date be construed, in so far as necessary for the purpose or in consequence of the transfer of function under this Resolution from the former officer to the new officer, as if the references to the former officer included references to the new officer;

(ii) in any legal proceedings -

(A) in which a former officer is a party; and

(B) that are subsisting immediately before the commencement date, the new officer shall on and from that date substitute for the former officer as that party;

(iii) any -

(A) right of appeal against a decision of a former officer;

or

(B) right to have such decision reviewed,

that is subsisting immediately before the commencement date may on and from that date be exercised as if the decision were a decision of the new officer;

(iv) any right of appeal to a former officer that is subsisting immediately before the commencement date is to be treated on and from that date as being a right of appeal to the new officer;

(v) any right to have anything reviewed by a former officer that is subsisting immediately before the commencement date is to be treated on and from that date as being a

right to have that thing reviewed by  
the new officer;

- (vi) any form that is specified or prescribed before the commencement date for use in connection with any function of a former officer that is transferred under this Resolution may on and from that date be used despite the fact that it contains references to the former officer, and those references shall be construed as references to the new officer.

## SCHEDULE 1

[para. (1)(a) &amp; (b)]

AMENDMENTS RELATING TO TRANSFER OF FUNCTIONS OF SECRETARY  
FOR COMMERCE AND INDUSTRY TO SECRETARY FOR  
COMMERCE, INDUSTRY AND MANPOWER

Item	Ordinance	Provision
1.	Import and Export Ordinance (Cap. 60)	Section 39(2).
2.	Dutiable Commodities Ordinance (Cap. 109)	Section 2(5).
3.	Bills of Lading and Analogous Shipping Documents Ordinance (Cap. 440)	Section 7(1) and (2)(a).
4.	Copyright Ordinance (Cap. 528)	Sections 46(1), 70(4), 83(3), 84(2), 121(16), 152, 171(1), (2) and (3) and 189(2).
5.	Prevention of Copyright Piracy Ordinance (Cap. 544)	Sections 38 and 39.
6.	Trade Marks Ordinance (Cap. 559)	Section 1(2).
7.	Copyright (Suspension of Amendments) Ordinance 2001 (Cap. 568)	Section 3(2).
8.	Hong Kong Trade Development Council Ordinance (Cap. 1114)	Section 11(1)(b)(vi).
9.	Intellectual Property (Miscellaneous Amendments) Ordinance 2001 (2 of 2001)	Section 1(2).

## SCHEDULE 2 [para. (2)(a) &amp; (b)]

AMENDMENTS RELATING TO TRANSFER OF FUNCTIONS OF SECRETARY  
FOR EDUCATION AND MANPOWER TO SECRETARY FOR  
COMMERCE, INDUSTRY AND MANPOWER

Item	Ordinance	Provision
1.	Factories and Industrial Undertakings Ordinance (Cap. 59)	Section 7(1)(od).
2.	Factories and Industrial Undertakings (Safety Management) Regulation (Cap. 59 sub. leg.)	Sections 26(1) and 27(1).
3.	Contracts for Employment Outside Hong Kong Ordinance (Cap. 78)	Section 4(2)(d).
4.	Employees Compensation Assistance Ordinance (Cap. 365)	Section 10(2), (3) and (4).
5.	Occupational Safety and Health Council Ordinance (Cap. 398)	Section 22(5).
6.	Employees' Compensation Insurance Levies Ordinance (Cap. 411)	Sections 8(2)(b) and 9(2) and (3).
7.	Employees Retraining Ordinance (Cap. 423)	Sections 9(2) and (3) and 14(4).
8.	Occupational Deafness (Compensation) Ordinance (Cap. 469)	Section 12(1) and Schedule 1 (section 8(1), (2), (3), (5) and (6)) and Schedule 2 (section 1(3)(a) and (b), (4) and (5)).



## SCHEDULE 3

[para. (3)(a) &amp; (b)]

AMENDMENTS RELATING TO TRANSFER OF FUNCTIONS OF SECRETARY FOR  
ECONOMIC SERVICES TO SECRETARY FOR ECONOMIC DEVELOPMENT

Item	Ordinance	Provision
1.	Specification of Public Offices (Cap. 1 sub. leg.)	Schedule.
2.	Gas Safety Ordinance (Cap. 51)	Sections 8(3)(ia), 13(4)(d), 17(1) and (3) and 18(1).
3.	Gas Safety (Gas Supply) Regulations (Cap. 51 sub. leg.)	Regulations 44A and 45(2)(d).
4.	Gas Safety (Registration of Gas Installers and Gas Contractors) Regulations (Cap. 51 sub. leg.)	Regulations 28(2)(d) and 36.
5.	Gas Safety (Registration of Gas Supply Companies) Regulations (Cap. 51 sub. leg.)	Regulation 23(2)(d).
6.	Gas Safety (Miscellaneous) Regulations (Cap. 51 sub. leg.)	Regulation 3E(2)(d).
7.	Gas Safety (Gasholders Examination) Regulation (Cap. 51 sub. leg.)	Section 9.
8.	Port Control (Cargo Working Areas) Ordinance (Cap. 81)	Section 3(1).
9.	Travel Agents Ordinance (Cap. 218)	Section 50(1).
10.	Shipping and Port Control Ordinance (Cap. 313)	Section 56.
11.	Merchant Shipping (Safety) Ordinance (Cap. 369)	Sections 5(1), 8(1) and (2), 93(1), 94(1) and (2) and (2)(b), 95(1), 96(1) and (2), 97(1) and (2), 98(1), 99(1) and (2), 100(1), 101(1), 102(1) and (1)(f), 103(1), 104, 105(1) and

- (3), 106,  
107(1), 108(1),  
110(3C) and (4)  
and 115(3).
12. Merchant Shipping (Safety)(Cargo Ship Safety Equipment Survey) Regulations (Cap. 369 sub. leg.) Regulation 2 (the definitions of "Certifying Authority" and "Government surveyor").
13. Merchant Shipping (Safety)(Musters and Training) Regulations (Cap. 369 sub. leg.) Regulation 6(4).
14. Merchant Shipping (Safety)(Passenger Ship Construction and Survey)(Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg.) Regulation 1(2) (the definition of "Government Surveyor").
15. Merchant Shipping (Safety)(Radio Installations Survey) Regulations (Cap. 369 sub. leg.) Regulation 2 (the definition of "Government surveyor").
16. Electricity Ordinance (Cap. 406) Sections 36(1)(a), 38(1), 39(1), 43(3), 44(1), 45(1) and (2) and 59(6).
17. Electricity Supply Lines (Protection) Regulation (Cap. 406 sub. leg.) Section 13(1)(b).
18. Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413) Section 3(2) and (5)(vii).
19. Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413 sub. leg.) Regulations 1(2) (the definitions of "Certifying Authority" and "surveyor"), 35(1) and 36(1).
20. Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations (Cap. 413 sub. leg.) Regulation 23(2).
21. Merchant Shipping (BCH Code) Regulations (Cap. 413 sub. leg.) Regulations 1(3)(d) and 4(2).
22. Merchant Shipping (IBC Code) Regulations

- Regulations (Cap. 413 sub. leg.) 1(3)(c) and 4(2).
23. Toys and Children's Products Safety Ordinance (Cap. 424) Sections 4, 6(1) and (2), 14(3), 15(1) and (3), 16(1) and 35(1).
24. Consumer Goods Safety Ordinance (Cap. 456) Sections 2 (the definition of "認可標準"), 5, 13(2), 14(1) and (3), 15(1) and 30(1) and (1)(a).
25. Merchant Shipping (Seafarers) Ordinance (Cap. 478) Sections 5(2), 6(4), (5) and (6), 17, 72(1), 73(1), 80(5), 81, 82(1), 86, 89(1), (2) and (3), 95(2), 96(1), 97(1), 100(1), 104(1), 107(1), 119(2), 120(e), 121(1) and 125(4).
26. Freight Containers (Safety) Ordinance (Cap. 506) (a) Section 1(2).  
(b) Section 27(1).
27. Freight Containers (Safety) (Applications for Approval of Containers) Regulation (Cap. 506 sub. leg.) Section 1.
28. Freight Containers (Safety)(Fees) Regulation (Cap. 506 sub. leg.) Section 1.
29. Freight Containers (Safety) (Arrangements for Authorized Persons) Order (Cap. 506 sub. leg.) Section 1.
30. Freight Containers (Safety)(Examination Procedure) Order (Cap. 506 sub. leg.) Section 1.
31. Merchant Shipping (Local Vessels) Ordinance (Cap. 548) Sections 1(2), 17(3), 72(3)(c) and 89(1) and (2).

- 32. Shipping and Port Control (Amendment) Ordinance 1999 (70 of 1999) Section 1(2).
- 33. Shipping and Port Control (Amendment)(No. 3) Regulation 2000 (L.N. 141 of 2000) Section 1.

## SCHEDULE 4 [para. (4)(a) &amp; (b)]

AMENDMENTS RELATING TO TRANSFER OF FUNCTIONS OF SECRETARY  
FOR INFORMATION TECHNOLOGY AND BROADCASTING TO  
SECRETARY FOR ECONOMIC DEVELOPMENT

Item	Ordinance	Provision
1.	Telecommunications Ordinance (Cap. 106)	Section 32U.
2.	Film Censorship Ordinance (Cap. 392)	(a) Section 29(1).  (b) Sections 16(2)(a), 17(1)(b), (2) and (2)(b) and (c)(i)(A), (4) and (8), 18(1)(b), (2)(b), (3) and (3)(b) and (c)(i)(A), (5) and (9), 19(1)(ii), (2), (2A), (2B), (3) and (3)(b), (4) and (4)(b), (6) and (10), 29(1)(i) and 30.
3.	Film Censorship Regulations (Cap. 392 sub. leg.)	Regulations 8 and 8(b) and 9 and Schedule 5 (Part II).
4.	Office of the Telecommunications Authority Trading Fund (Cap. 430 sub. leg.)	Schedule 1 (item 1(p)).
5.	Electronic Transactions Ordinance (Cap. 553)	Section 2(1)(the definition of "Secretary").
6.	Entertainment Special Effects Ordinance (Cap. 560)	Section 2 (the definition of "Secretary").

7. Broadcasting Ordinance (Cap. 562) Schedule 1 (Part 2, section 15(6)(b)(ii) and Part 3, section 29(6)(b)(ii)).
8. Telecommunication (Amendment) Ordinance 2000 (36 of 2000) Section 1(3).

## SCHEDULE 5

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

AMENDMENTS RELATING TO TRANSFER OF FUNCTIONS OF SECRETARY FOR  
EDUCATION AND MANPOWER TO SECRETARY FOR EDUCATION

Item	Ordinance	Provision
1.	Legal Practitioners Ordinance (Cap. 159)	Section 74A(2)(c).
2.	Grant Schools Provident Fund Rules (Cap. 279 sub. leg.)	Rule 15(3).
3.	Subsidized Schools Provident Fund Rules (Cap. 279 sub. leg.)	Rule 16(3).
4.	Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493)	Sections 8(1)(a)(ii)(B), 40(1) and 41.
5.	Copyright Ordinance (Cap. 528)	Section 195(4).
6.	Sir Edward Youde Memorial Fund Ordinance (Cap. 1140)	Section 9(2)(b).
7.	Hong Kong Council for Academic Accreditation Ordinance (Cap. 1150)	Section 2(1) (the definition of "Secretary").
8.	Lingnan University Ordinance (Cap. 1165)	Section 2 (the definition of "Secretary").

## SCHEDULE 6

[para. (6)(a) &amp; (b)]

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

Item	Ordinance	Provision
1.	Forests and Countryside Ordinance (Cap. 96)	Section 2 (the definition of "Secretary").
2.	Dutiable Commodities Ordinance (Cap. 109)	Sections 6(4A)(a) and 6A.
3.	Dutiable Commodities (Liquor) Regulations (Cap. 109 sub. leg.)	Regulations 2(1) (the definition of "prescribed fee") and 2A(5) and (6).
4.	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).
5.	Milk Regulation (Cap. 132 sub. leg.)	Section 4.
6.	Pesticides Ordinance (Cap. 133)	Section 19(1B) and (1C).
7.	Public Health (Animals and Birds) (Chemical Residues) Regulation (Cap. 139 sub. leg.)	Section 1.
8.	Dogs and Cats Ordinance (Cap. 167)	Section 2 (the definition of "Secretary").
9.	Wild Animals Protection Ordinance (Cap. 170)	Section 22(1) and (2).



10. Animals and Plants (Protection of Endangered Species) Ordinance (Cap. 187) Section 19(1A).
11. Agricultural Products (Marketing) Ordinance (Cap. 277) Section 4(6).
12. Air Pollution Control Ordinance (Cap. 311) Section 2 (the definition of "Secretary").
13. Air Pollution Control (Appeal Board) Regulations (Cap. 311 sub. leg.) Regulation 2 (the definition of "Secretary").
14. Air Pollution Control (Specified Processes) Regulations (Cap. 311 sub. leg.) Second Schedule (Form 5), Fourth and Fifth Schedules.
15. Waste Disposal Ordinance (Cap. 354) Section 2(1) (the definition of "Secretary").
16. Waste Disposal (Charges for Disposal of Waste) Regulation (Cap. 354 sub. leg.) Section 1.
17. Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg.) Section 8.
18. Water Pollution Control Ordinance (Cap. 358) Section 2(1) (the definition of "Secretary").
19. Noise Control Ordinance (Cap. 400) Section 2 (the definition of "Secretary").
20. Noise Control (Appeal Board) Regulations (Cap. 400 sub. leg.) Schedule (Forms 1 (note 3), 2 (note 2) and 2A (note 2)).
21. Ozone Layer Protection Ordinance (Cap. 403) Section 2 (the definition of "Secretary").
22. Rabies Ordinance (Cap. 421) Section 2 (the definition of "Secretary").
23. Environment and Conservation Fund Ordinance (Cap. 450) Section 2 (the definition of "Secretary").

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| 24. | Dumping at Sea Ordinance (Cap. 466)   | Sections 1(2) and 4(2).   |
| 25. | Marine Parks Ordinance (Cap. 476)   | Section 20(1).  |
| 26. | Marine Parks and Marine Reserves Regulation (Cap. 476 sub. leg.)            | Section 18(1).  |
| 27. | Plant Varieties Protection Ordinance (Cap. 490)                             | Sections 4(2) and 42(1).  |
| 28. | Whaling Industry (Regulation) Ordinance (Cap. 496)                          | Sections 2 (the definition of "licensing authority"), 4(5) and 5(1).                                    |
| 29. | Environmental Impact Assessment Ordinance (Cap. 499)                        | Schedule 1 (the definition of "Secretary").   |
| 30. | 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)). |
| 31. | Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570)            | Sections 1(2) and 17.   |
| 32. | Public Health and Municipal Services (Amendment) Ordinance 2002 (1 of 2002) | Section 1(2) and section 3 (the new section 128D(6) and (20)).  |
| 33. | Fixed Penalty (Public Cleanliness Offences) Regulation (L.N. 44 of 2002)    | Section 1.  |

## SCHEDULE 7

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

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

Item	Ordinance	Provision
1.	Hospital Authority Ordinance (Cap. 113)	Sections 4(d), 5(l) and (n), 8(2) and (3), 9(2), 10(4), 16, 17 and 18(6) and Schedule 3 (paragraphs 6(1) and 18(1) and (2)(b)).
2.	Public Health and Municipal Services Ordinance (Cap. 132)	Section 55(6)(b)(ii) and (d)(ii).
3.	Mental Health Ordinance (Cap. 136)	Sections 42B(6)(c), 44B(5), 59Z(1), 59ZA (the definition of "special treatment"), 59ZC(1), 72(1) and 73 and Schedule (section 3).
4.	Mental Health Regulations (Cap. 136 sub. leg.)	Schedule (Form 12).
5.	Pharmacy and Poisons Ordinance (Cap. 138)	Section 30(10).
6.	Quarantine and Prevention of Disease Ordinance (Cap. 141)	Section 8(5).
7.	Dentists Registration Ordinance (Cap. 156)	Section 29(1A) and (1C).
8.	Medical Registration Ordinance (Cap. 161)	Sections 21B(2)(f) and 33(3) and (5).
9.	Midwives Registration Ordinance (Cap. 162)	Section 23(2) and (3).

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| 10. | Nurses Registration Ordinance (Cap. 164)                                       | Section 27(2) and (3).  |
| 11. | Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165) | Section 7(1).   |
| 12. | Volunteer and Naval Volunteer Pensions Ordinance (Cap. 202)                    | Section 35(1) and (2).  |
| 13. | Protection of Children and Juveniles Ordinance (Cap. 213)                      | Section 39(1) and (1B).   |
| 14. | Reformatory Schools Ordinance (Cap. 225)                                       | Sections 10(1), 11, 13, 19(2) and 38.   |
| 15. | Child Care Services Ordinance (Cap. 243)                                       | Section 18(2A).   |
| 16. | Probation of Offenders Ordinance (Cap. 298)                                    | Section 12(1).  |
| 17. | Animals (Control of Experiments) Ordinance (Cap. 340)                          | Section 13(1) and (4).  |
| 18. | Medical Clinics Ordinance (Cap. 343)   | Section 15(1).  |
| 19. | Supplementary Medical Professions Ordinance (Cap. 359)                         | Section 29(1A), (1B) and (3).   |
| 20. | Smoking (Public Health) Ordinance (Cap. 371)                                   | (a) Section 16A.<br><br>(b) Sections 14A(1) and (2) and 18(2).  |
| 21. | Community Service Orders Ordinance (Cap. 378)                                  | Sections 13 and 14.   |
| 22. | Hong Kong War Memorial Pensions Ordinance (Cap. 386)                           | Sections 2 (the definition of "合資格受益人"), 4, 6(1), 7(1), (2) and (3), 8, 9(1) and (2), 10(1) and (2), 11(1) and (2), 16(c) and 22. |
| 23. | Hong Kong Council on Smoking and Health Ordinance (Cap. 389)                   | Sections 16 and 17(4) and (6).  |

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| 24. | Chiropractors Registration Ordinance (Cap. 428)  | Schedule (section 4(6)).   |
| 25. | Bedspace Apartments Ordinance (Cap. 447)   | Section 3(1)(e).   |
| 26. | Residential Care Homes (Elderly Persons) Regulation (Cap. 459 sub. leg.)               | Section 10(1), (2) and (3).  |
| 27. | Residential Care Homes (Elderly Persons)(Appeal Board) Regulation (Cap. 459 sub. leg.) | Section 16 and Schedule (Form 1).  |
| 28. | Human Organ Transplant Ordinance (Cap. 465)  | Section 3(2) and (3).  |
| 29. | Disability Discrimination Ordinance (Cap. 487)   | Sections 65(3), 86(1) and 87(1).   |
| 30. | Coroners Ordinance (Cap. 504)  | Section 5(1).  |
| 31. | Social Workers Registration Ordinance (Cap. 505)                                       | Sections 4(4), 5(4), 38(3), (4) and (7) and 39(2) and Schedule 1 (sections 1(1)(b) and 11(4)). |
| 32. | Chinese Medicine Ordinance (Cap. 549)  | Section 1(2) and section 2 (the definition of "Secretary").                                    |
| 33. | Human Reproductive Technology Ordinance (Cap. 561)                                     | Sections 1(2), 2(2) and (10), 4(2)(j) and (4), 5(1)(a), 6(5), 45(1) and (1)(b) and 46.         |
| 34. | Po Leung Kuk Ordinance (Cap. 1040)   | Schedule (paragraphs 18(2)(b) and (7) and 19(3)).  |
| 35. | Tung Wah Group of Hospitals Ordinance (Cap. 1051)                                      | Schedule (paragraphs 19(2)(aa) and (7) and 20(3)).   |

- 36. Pok Oi Hospital Incorporation Ordinance (Cap. 1068) Section 4(4).
- 37. Yan Chai Hospital Ordinance (Cap. 1106) Sections 3(1), (2) and (3) and 7(1).
- 38. Nurses Registration (Amendment) Ordinance 1997 (82 of 1997) Section 1(2) and section 20(e) (the new section 27(2) and (3)).

## SCHEDULE 8

[para. (8)(a) &amp; (b)]

AMENDMENTS RELATING TO TRANSFER OF FUNCTIONS OF SECRETARY  
FOR FINANCIAL SERVICES TO SECRETARY FOR  
FINANCIAL SERVICES AND THE TREASURY

Item	Ordinance	Provision
1.	Securities and Futures Commission Ordinance (Cap. 24)	Section 59(2)(e).
2.	Trustee Ordinance (Cap. 29)	Second Schedule (paragraphs (a) and (b) of the Table).
3.	Insurance Companies Ordinance (Cap. 41)	Sections 53A(3)(e) and 59(2).
4.	Insurance Companies (Actuaries' Standards) Regulation (Cap. 41 sub. leg.)	Schedule.
5.	Gambling Ordinance (Cap. 148)	Section 29(2).
6.	Banking Ordinance (Cap. 155)	Section 120(5)(f).
7.	Money Lenders Ordinance (Cap. 163)	Section 5(2)(d).
8.	Census and Statistics Ordinance (Cap. 316)	Section 11(1).
9.	Exchanges (Special Levy) Ordinance (Cap. 351)	Sections 4A(1) and (3) and 5(2) and (2)(b).
10.	Exchanges (Special Levy) Rules (Cap. 351 sub. leg.)	Rule 10A.
11.	Stock Exchanges Unification Ordinance (Cap. 361)	Section 34(2A).
12.	Occupational Retirement Schemes Ordinance (Cap. 426)	Section 78(1)(d).
13.	Leveraged Foreign Exchange Trading Ordinance (Cap. 451)	Sections 63(2)(d) and 72(1).
14.	Mandatory Provident Fund Schemes Ordinance (Cap. 485)	Section 42(1)(d).

15. Banking (Amendment) Ordinance 1999 (42 of 1999) Section 1(2).
16. Securities (Margin Financing) (Amendment) Ordinance 2000 (20 of 2000) Section 1(2).
17. Securities (Amendment) Ordinance 2000 (30 of 2000) Section 1(3).
18. Banking (Amendment) Ordinance 2001 (32 of 2001) Section 1(2).
19. Securities and Futures Ordinance (5 of 2002) Sections 1(2), 378(3)(f)(iv) and 406(1) and Schedule 8 (Part 1, section 1 (the definition of "Secretary")) and Schedule 10 (Part 1, sections 74(13), 75(13) and 76(13)).
20. Banking (Amendment) Ordinance 2002 (6 of 2002) Section 1(2).



## SCHEDULE 9

[para. (9)(a) &amp; (b)]

AMENDMENTS RELATING TO TRANSFER OF FUNCTIONS OF SECRETARY FOR THE  
TREASURY TO SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

Item	Ordinance	Provision
1.	Interpretation and General Clauses Ordinance (Cap. 1)	Section 3 (the definition of "Financial Secretary").
2.	Betting Duty Ordinance (Cap. 108)	Section 7.
3.	Estate Duty Ordinance (Cap. 111)	Sections 3(1) (the definitions of "account" and "affidavit for the Commissioner"), 12(6A), 16(1B), 20 and 28.
4.	Inland Revenue Ordinance (Cap. 112)	Sections 88A(7) and 88B(3).
5.	Hospital Authority Ordinance (Cap. 113)	Sections 7(2) and 16 and Schedule 3 (paragraphs 6(1) and 18(1) and (2)(b)).
6.	Mental Health Ordinance (Cap. 136)	Schedule (section 3).
7.	Quarantine and Prevention of Disease Ordinance (Cap. 141)	Section 8(5).
8.	Tax Reserve Certificates Ordinance (Cap. 289)	Section 3(1AA), (2) and (3).
9.	Tax Reserve Certificates (Fourth Series) Rules (Cap. 289 sub. leg.)	Rule 2A(2).
10.	Business Registration Ordinance (Cap. 310)	Sections 14(1A) and 16(d).
11.	The Ombudsman Ordinance (Cap. 397)	Schedule 1A (section 2(2)).
12.	Employees' Compensation Insurance Levies Ordinance (Cap. 411)	Section 15(5)(a).

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| 13. | Western Harbour Crossing Ordinance (Cap. 436)                      | Section 38(2)(a).  |
| 14. | Amusement Rides (Safety) Ordinance (Cap. 449)                      | Section 25(5).   |
| 15. | Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474)    | Section 32(3)(a).  |
| 16. | Sex Discrimination Ordinance (Cap. 480)                            | Section 65(3) and Schedule 6 (sections 4, 14(1) and (2)(b), 15(2), 16(2) and (3) and 17(2)). |
| 17. | Personal Data (Privacy) Ordinance (Cap. 486)                       | Schedule 2 (sections 1(2), 2(2) and (3) and 3(2)).   |
| 18. | Entertainment Special Effects Ordinance (Cap. 560)                 | Section 37(3).   |
| 19. | Urban Renewal Authority Ordinance (Cap. 563)                       | Sections 10(3), 11(3) and 12(3).   |
| 20. | Hong Kong Council for Academic Accreditation Ordinance (Cap. 1150) | Sections 10 and 18.  |

## SCHEDULE 10 [para. (10)(a) &amp; (b)]

AMENDMENTS RELATING TO TRANSFER OF FUNCTIONS OF SECRETARY  
FOR HOUSING TO SECRETARY FOR HOUSING,  
PLANNING AND LANDS

Item	Ordinance	Provision
1.	Housing Ordinance (Cap. 283)	Section 7A(1), (3) and (7).
2.	Estate Agents Ordinance (Cap. 511)	(a) Section 1(2).  (b) Sections 2(1) (the definition of "訂明"), 3(1), 12(1)(a), (4) and (5), 18(3), 31(1), (2) and (3)(a) and (b), 32(1), (3) and (10), 37(1), 38(5), 44(1), 46(2), 49(3)(b), 53(1) and 56(1).
3.	Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation (Cap. 511 sub. leg.)	Section 4(1).

## SCHEDULE 11 [para. (11)(a) &amp; (b)]

AMENDMENTS RELATING TO TRANSFER OF FUNCTIONS OF SECRETARY  
FOR PLANNING AND LANDS TO SECRETARY FOR  
HOUSING, PLANNING AND LANDS

Item	Ordinance	Provision
1.	Buildings Ordinance (Cap. 123)	Sections 5(1) and (3A), 5AA(2)(a), 11(1) and (4A), 11AA(2)(a), 38(1) and (5), 39A(1) and 46(2)(a).
2.	Town Planning Ordinance (Cap. 131)	Section 24(1).
3.	Aerial Ropeways (Safety) Ordinance (Cap. 211)	Section 28(1).
4.	Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301)	Sections 3(1AA), (2A), (3A) and (3B), 7(1) and 23(1).
5.	Lifts and Escalators (Safety) Ordinance (Cap. 327)	Section 2(1) (the definition of "Secretary").
6.	Electricity Networks (Statutory Easements) Ordinance (Cap. 357)	Sections 2 (the definition of "approved scheme"), 3(1), 7(1) and 9(2), (3) and (4).
7.	Western Harbour Crossing Ordinance (Cap. 436)	Section 15(2).
8.	Sewage Tunnels (Statutory Easements) Ordinance (Cap. 438)	Section 2 (the definition of "Secretary").
9.	Land Drainage Ordinance (Cap. 446)	Section 2 (the definition of "Secretary").
10.	Land Survey Ordinance (Cap. 473)	Section 2 (the definition of "Secretary").

11. Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474) Section 15(2).
12. Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545) Section 12(1).
13. Urban Renewal Authority Ordinance (Cap. 563) Section 2 (the definition of "Secretary").

## SCHEDULE 12 [para. (12)(a) &amp; (b)]

AMENDMENTS RELATING TO TRANSFER OF FUNCTIONS OF SECRETARY  
FOR TRANSPORT TO SECRETARY FOR TRANSPORT AND WORKS

Item	Ordinance	Provision
1.	Specification of Public Offices (Cap. 1 sub. leg.)	Schedule.
2.	Lands Tribunal Rules (Cap. 17 sub. leg.)	(a) Schedule (Forms 10 and 11).  (b) Rules 44(1)(b), 46(2) and (3) and 47(1) and (2).
3.	Ferry Services Ordinance (Cap. 104)	Sections 22(2), 28(7)(a) and (b) and 41(1).
4.	Tramway Regulations (Cap. 107 sub. leg.)	Regulations 3(9)(d) and 6(1), (2) and (3).
5.	Eastern Harbour Crossing Ordinance (Cap. 215)	Sections 2(1) (the definitions of "工程項目協議", "保證協議" and "經營協議"), 9(2), 10(3), 68(1), (2) and (2)(a) and (b) and (3), 69(1) and (1)(a), (2), (4)(a) and (6)(a) and 75(5).
6.	Public Bus Services Ordinance (Cap. 230)	Sections 6(2A), 12A(1), (2), (3) and (4), 33(1) and 35(1).
7.	Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237)	Section 25.
8.	Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240)	Section 11.

9. Peak Tramway Ordinance (Cap. 265) Sections 4, 5, 7(1), (2), (3) and (4), 7A(1), (2) and (3), 8, 9(2) and (3), 10, 12, 14B(1), 14D(1) and (4) and (4)(b), 14E(1), (2), (3) and (4), 14F(2) and 15(1)(b) and (d)(i).
10. Peak Tramway (Safety) Regulations (Cap. 265 sub. leg.) Regulations 3(2) and (3) and (3)(a)(i) and (ii) and (b), 5(2) and (3) and (3)(a)(i) and (ii) and (b), 8(2) and 15(2)(a) and (c).
11. Roads (Works, Use and Compensation) Ordinance (Cap. 370) Sections 2(3), 3(1), (2) and (3), 4(1), 5, 6(1) and (2), 7, 8(1), (2) and (4), 9, 10(1), 11(1), (1A)(a), (b) and (c), (6), (7) and (7)(a), (b) and (c) and (9)(a), 12, 13(5), 14(1)(a) and (c) and (2)(f), 15(5) and (8), 16(1)(a) and (c) and (2)(f), 18(1)(a) and (c) and (2)(e), 19(1), (2), (5) and (6), 20(1), (2)(a), (3) and (4), 21(1), (2), (3)(d), (4) and (5), 22(5), (6) and (7), 27(1)(a), 28(1), (3), (4) and (6), 29(1), (2), (3), (4), (5), (6), (7) and (8) and (8)(b) and (c),

- 30(1), (2), (3)  
and (4),  
31(1)(a), 34(a),  
35, 36(b) and (c)  
and Schedule  
(Part II).
12. Kowloon-Canton Railway Corporation  
Ordinance (Cap. 372) Sections 4(1)(a)  
and 30(1).
13. Kowloon-Canton Railway Corporation  
Regulations (Cap. 372 sub. leg.) (a) Regulation  
14(7).  
  
(b) Regulations  
11(6)(c),  
13(1), (2)  
and (3).
14. Road Traffic Ordinance (Cap. 374) Sections 2 (the  
definition of  
"prescribed  
limit"), 5(1) and  
(2)(a), 6(1),  
7(1), 8(1), 9(1),  
10(1), 11, 12(1),  
12A(1), 21(2),  
39G(1), 88B(3),  
109(1) and (2),  
116(1), 121(2),  
122 (paragraph  
(b) of the  
definition of  
"expressway  
works") and  
131(1).
15. Road Traffic (Parking) Regulations  
(Cap. 374 sub. leg.) Regulations 12(5)  
and 17(1) and  
(1)(c) and (3).
16. Road Traffic (Expressway) Regulations  
(Cap. 374 sub. leg.) Regulation 28.
17. Tate's Cairn Tunnel Ordinance (Cap.  
393) Sections 2(1)(the  
definitions of "工  
程項目協議", "另一項  
保證協議" and "保證  
協議"), 6(2),  
7(3), 46(1), (2)  
and (2)(a) and  
(b) and (3),  
47(1) and (1)(a),  
(2), (4)(a) and  
(6)(a) and 53(5)



(the definition of "決定").

18. Western Harbour Crossing Ordinance (Cap. 436)

(a) Section 38(2)(b).

(b) Sections 2(1)(the definitions of "工程項目協議" and "保證協議") and (2), 6(4), 7(5), 43(1), (2), (3), (4) and (5), 45(2), (4), (5) and (5)(b) and (6)(a), 46(1), 48(1), 49(9), 51(2), (3) and (4), 58(1), (2) and (2)(a) and (b) and (3), 59(1) and (1)(a), (3)(a), (5)(a) and (8)(a), 66(3)(the definition of "決案") and 70.

19. Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474)

(a) Sections 17(1) and 32(3)(b).

(b) Sections 2(1)(the definitions of "工程項目協議" and "保證協議") and (2), 6(4), 7(5), 37(1), (2), (3), (4) and (5), 39(2), (4),

- (5) and  
(5)(b) and  
(b)(i) and  
(6)(a),  
40(1),  
42(1),  
43(9),  
44(2), (3)  
and (4),  
51(1), (2)  
and (2)(a)  
and (b) and  
(3), 52(1)  
and (1)(a),  
(3)(a),  
(5)(a) and  
(b) and  
(8)(a),  
59(3)(the  
definition  
of "決定")  
and 64.
20. Airport Authority (Automated People Mover)(Safety) Regulation (Cap. 483 sub. leg.)
- Sections 1  
(paragraph (b) of  
the definition of  
"automated people  
mover premises"),  
5(1) and (2),  
6(1), (3) and (4)  
and 11.
21. Tsing Ma Control Area Ordinance (Cap. 498)
- Sections 2 (the  
definition of "管  
理協議"), 9(2),  
10, 25(1) and (3)  
and 27(2).
22. Railways Ordinance (Cap. 519)
- Sections 3(1),  
(2) and (3), 4,  
5(1) and (2),  
6(1), (2), (3),  
(4), (6), (7) and  
(8), 7, 8(1), (2)  
and (2)(b) and  
(3), 9(1), 10(1)  
and (4), 11(1)  
and (2), 13(1),  
(2) and (2)(a)  
and (b) and  
(4)(a), 14, 15(1)  
and (1)(a) and  
(c) and (2),  
18(4), 19(1)(a)

- and (c) and  
 (2)(f), 20(5) and  
 (8), 21(1)(a) and  
 (c) and (2)(f),  
 22(1), 23(1)(a)  
 and (c) and  
 (2)(e), 24(1),  
 (2), (3), (5) and  
 (6), 25(1),  
 (2)(a), (3) and  
 (4), 26(1), (2),  
 (3)(d), (4) and  
 (5), 27(6), (7)  
 and (8),  
 32(1)(a), 33(1),  
 (3) and (5) and  
 (5)(b), 34(1),  
 (2), (3), (4),  
 (5), (6) and  
 (6)(a), (b) and  
 (c), (7) and (8)  
 and (8)(b) and  
 (c), 35(1), (2),  
 (3) and (4),  
 36(1)(a), 39(a),  
 40, 41(c), 44(1),  
 (2) and (3) and  
 (3)(a) and (b)  
 and Schedule  
 (Part II).
23. Discovery Bay Tunnel Link Ordinance  
 (Cap. 520) Sections 11(2),  
 14(2), 15(a) and  
 (b), 22, 24(4),  
 (5), (7), (8) and  
 (9), 28(1) and  
 (1)(b), (h) and  
 (j) and 32(2)(a).
24. Mass Transit Railway Ordinance (Cap.  
 556) Section 2 (the  
 definition of  
 "Secretary").
25. Road Traffic Legislation (Amendment)  
 Ordinance 2002 (3 of 2002) Section 1(2) and  
 section 5 (the  
 new section  
 102B(4)).

## SCHEDULE 13 [para. (13)(a) &amp; (b)]

AMENDMENTS RELATING TO TRANSFER OF FUNCTIONS OF SECRETARY  
FOR WORKS TO SECRETARY FOR 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).

Clerk to the Legislative Council

**Explanatory Note**

As from 1 July 2002, this Resolution -

(a) effects the transfer of -

- (i) statutory functions exercisable by the Secretary for Commerce and Industry to the Secretary for Commerce, Industry and Manpower;
- (ii) some of the statutory functions exercisable by the Secretary for Education and Manpower to the Secretary for Commerce, Industry and Manpower;
- (iii) statutory functions exercisable by the Secretary for Economic Services to the Secretary for Economic Development;
- (iv) statutory functions exercisable by the Secretary for Information Technology and Broadcasting to the Secretary for Economic Development;
- (v) some of the statutory functions exercisable by the Secretary for Education and Manpower to the Secretary for Education;
- (vi) statutory functions exercisable by the Secretary for the Environment and Food to the Secretary for the Environment, Health and Welfare;
- (vii) statutory functions exercisable by the Secretary for Health and Welfare to the

Secretary for the Environment, Health and Welfare;

(viii) statutory functions exercisable by the Secretary for Financial Services to the Secretary for Financial Services and the Treasury;

(ix) statutory functions exercisable by the Secretary for the Treasury to the Secretary for Financial Services and the Treasury;

(x) statutory functions exercisable by the Secretary for Housing to the Secretary for Housing, Planning and Lands;

(xi) statutory functions exercisable by the Secretary for Planning and Lands to the Secretary for Housing, Planning and Lands;

(xii) statutory functions exercisable by the Secretary for Transport to the Secretary for Transport and Works; and

(xiii) statutory functions exercisable by the Secretary for Works to the Secretary for Transport and Works; and

(b) amends references to the titles in certain Ordinances affected by the transfers accordingly.

# ***DRAFT***

## **INTERPRETATION AND GENERAL CLAUSES ORDINANCE (REPLACEMENT OF SCHEDULE 6) ORDER 2002**

(Made by the Chief Executive in Council under section 62(3) of the Interpretation and General Clauses Ordinance (Cap. 1))

### **1. Commencement**

This Order shall come into operation on 1 July 2002.

### **2. Schedule 6 substituted**

Schedule 6 to the Interpretation and General Clauses Ordinance (Cap. 1) is repealed and the following substituted –

“SCHEDULE 6

[s. 62]

### **PUBLIC OFFICERS**

Chief Secretary for Administration

Financial Secretary

Secretary for Justice

Secretary for the Civil Service

Secretary for Commerce, Industry and Manpower

Secretary for Constitutional Affairs

Secretary for Economic Development

Secretary for Education

Secretary for the Environment, Health and Welfare

Secretary for Financial Services and the Treasury

Secretary for Home Affairs

Secretary for Housing, Planning and Lands

Secretary for Security

Secretary for Transport and Works

Permanent Secretary

Director of Administration

Director of Home Affairs  
Deputy Director of Administration  
Assistant Director of Administration”.

Clerk to the Executive Council

COUNCIL CHAMBER

2002

### **Explanatory Note**

This Order repeals and replaces Schedule 6 to the Interpretation and General Clauses Ordinance (Cap. 1) for the purpose of including newly appointed public officers in the list of public officers empowered to signify the exercise of statutory powers and the performance of statutory duties by the Chief Executive.