

**Subcommittee on Legislative Amendments Relating to the Proposed
Re-organisation of Policy Bureaux of the Government Secretariat**

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

**Transfer of Statutory Functions Currently Exercisable by the
Secretary for Education and Manpower**

Introduction

This paper sets out the transfer of statutory functions currently exercisable by the Secretary for Education and Manpower (SEM) to the Secretary for Education or the Secretary for Labour and Welfare with effect from 1 July 2007.

Background

2. Pursuant to the re-organisation plan announced by the Chief Executive on 3 May 2007 and set out in the Legislative Council brief issued to Members on the same day, the policy portfolio of matters relating to manpower currently under the SEM will be taken up by the Secretary for Labour and Welfare with effect from 1 July 2007. The SEM will also be re-titled the “Secretary for Education” with effect from the same day. The relevant statutory functions currently vested in SEM will be transferred to the Secretary for Labour and Welfare and the Secretary for Education accordingly.

3. The transfer of statutory functions is to be effected by way of a resolution made under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1). The Administration gave notice on 23 May 2007 in accordance with Rule 29(1) of the Rules of Procedure of the intention to move the Resolution at the Legislative Council meeting of 13 June 2007, and the notice was attached with the latest version of the Resolution. Paragraph (5) of the Resolution, at **Annex A**, provides that statutory functions currently exercisable by the SEM by virtue of the specified ordinances be transferred to the Secretary for Education and the Secretary for Labour and Welfare respectively.

4. Paragraph (6) of the Resolution, at **Annex B**, provides that statutory functions currently exercisable by the Permanent Secretary for Education and Manpower (PSEM) by virtue of the specified ordinances be transferred to the Permanent Secretary for Education. Paragraph (7) of the Resolution, at **Annex C**, provides that statutory functions currently exercisable by the PSEM Incorporated by virtue of the specified ordinances be transferred to the Permanent Secretary for Education Incorporated.¹

5. The Resolution will not involve substantive amendments to the statutory functions (including powers and duties) provided for in the relevant ordinances. The Resolution will provide for the simple substitution of the current title of the SEM by the new title of the relevant Directors of Bureau in whom policy responsibility for the provisions in question is to be vested with effect from 1 July 2007, and that of the PSEM by the new title of the post with effect from 1 July 2007.

6. A summary of the major statutory functions of the SEM under existing legislation to be transferred to the relevant Directors of Bureau and the textual amendments to the relevant ordinances is at **Annex D**. A summary of the major statutory functions of the PSEM under existing legislation to be transferred to the Permanent Secretary for Education and the textual amendments² to the relevant ordinances is at **Annex E**.

Transitional and savings provisions

7. Paragraphs (13) and (14) of the Resolution, at **Annexes F and G** respectively, make specific savings and transitional arrangements in connection with :

- (a) the corporation sole constituted by Cap. 1085 known as the “PSEM” before the re-organization and the “Permanent Secretary for Education” after the re-organization; and

¹ Section 54A(4) of Cap. 1 defines “public officer” for the purpose of the section to include any corporation created for the purpose of incorporating a person for the time being holding a public office.

² Including changes involving the title of the present “PSEM Incorporation”.

- (b) the corporation sole constituted by Cap. 1098 known as the “PSEM Incorporated” before the re-organization and the “Permanent Secretary for Education Incorporated” after the re-organization.

8. The transitional and savings provisions ensure the succession of the statutory corporation soles and the vesting in the new corporations of the property, rights and obligations of their predecessors.

Advice Sought

9. Members are invited to consider paragraphs (5) to (7), (13) and (14) of the Resolution.

Constitutional Affairs Bureau
Education and Manpower Bureau
May 2007

- (5) the functions exercisable by the Secretary for Education and Manpower by virtue of -
- (a) the Dangerous Drugs Ordinance (Cap. 134) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in item 14 of the Fourth Schedule by repealing "Education and Manpower Bureau" and substituting "Education Bureau";
 - (b) the Legal Practitioners Ordinance (Cap. 159) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 74A(3)(a)(iii) by repealing "Secretary for Education and Manpower" and substituting "Secretary for Education";
 - (c) the Child Care Services Ordinance (Cap. 243) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Education and Manpower Bureau" wherever it appears and substituting "Education Bureau" -
 - (i) section 4(2);
 - (ii) section 12(a);
 - (d) the Education Ordinance (Cap. 279) be transferred to the Secretary for Education

and, for the purpose of giving full effect to such transfer, that Ordinance be amended -

(i) in the following provisions by repealing "Secretary for Education and Manpower" wherever it appears and substituting "Secretary for Education" -

(A) section 40AC(1);

(B) section 40BP(2);

(C) section 40BR(2);

(ii) in the following provisions by repealing "Education and Manpower Bureau" wherever it appears and substituting "Education Bureau" -

(A) section 5(2);

(B) section 79(a);

(e) the Grant Schools Provident Fund Rules (Cap. 279 sub. leg. C) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, those Rules be amended in rule 15(3) by repealing "Secretary for Education and Manpower" and substituting "Secretary for Education";

(f) the Subsidized Schools Provident Fund Rules (Cap. 279 sub. leg. D) be transferred to the

Secretary for Education and, for the purpose of giving full effect to such transfer, those Rules be amended in rule 16(3) by repealing "Secretary for Education and Manpower" and substituting "Secretary for Education";

(g) the Employees Retraining Ordinance (Cap. 423) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer -

(i) 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 Labour and Welfare;";

(B) in the following provisions, in the Chinese text, by repealing "教育統籌局局長" wherever it appears and substituting "局長" -

(I) section 9(2);

(II) section 9(3);

(III) section 14(4);

(C) in section 33(1), in the English text, by repealing "Secretary" and substituting

"Secretary for Education and
Manpower";

(ii) the Specification of Public
Office (L.N. 158 of 2002) be
amended -

(A) in column 1 of the Schedule by
repealing "Secretary for
Education and Manpower";

(B) in column 2 of the Schedule by
repealing "Employees
Retraining Ordinance
(Chapter 423), sections 9(2)
and (3) and 14(4).";

(C) in the Schedule by adding at
the end -

"Secretary for	Employees
Labour and	Retraining
Welfare	Ordinance
	(Chapter
	423),
	sections
	9(2) and
	(3) and
	14(4).";

(h) the Non-local Higher and Professional
Education (Regulation) Ordinance (Cap.
493) be transferred to the Secretary for
Education and, for the purpose of giving
full effect to such transfer -

(i) the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493) be amended in the following provisions by repealing "Secretary for Education and Manpower" wherever it appears and substituting "Secretary for Education" -

- (A) section 8(1)(a)(ii)(B);
- (B) section 40(1);
- (C) section 41;

(ii) the Specification of Public Office (L.N. 158 of 2002) be amended -

- (A) in column 2 of the Schedule by repealing "Non-local Higher and Professional Education (Regulation) Ordinance (Chapter 493), section 8(1)(a)(ii)(B).";
- (B) in the Schedule by adding at the end -

"Secretary for Education	Non-local Higher and Professional Education (Regulation) Ordinance (Chapter 493),
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section

8(1)(a)(ii)(B).";

- (i) the Copyright Ordinance (Cap. 528) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 195(4) by repealing "Secretary for Education and Manpower" and substituting "Secretary for Education";
- (j) the Permanent Secretary for Education and Manpower Incorporation Ordinance (Cap. 1098) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 4 by repealing "Education and Manpower Bureau" and substituting "Education Bureau";
- (k) the St. Paul's College Council Incorporation Ordinance (Cap. 1102) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 4(1)(h) by repealing "Education and Manpower Bureau" and substituting "Education Bureau";
- (l) the Sir Edward Youde Memorial Fund Ordinance (Cap. 1140) be transferred to the Secretary for Education and, for the purpose of giving full effect to such

transfer, that Ordinance be amended in section 9(2)(b) by repealing "Secretary for Education and Manpower" and substituting "Secretary for Education";

(m) the Hong Kong Council for Academic Accreditation Ordinance (Cap. 1150) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer -

(i) the Hong Kong Council for Academic Accreditation Ordinance (Cap. 1150) be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for Education and Manpower" and substituting "Secretary for Education";

(ii) the Specification of Public Office (L.N. 158 of 2002) be amended -

(A) in column 2 of the Schedule by repealing "Hong Kong Council for Academic Accreditation Ordinance (Chapter 1150), sections 5(e), (g) and (l), 9(1) and (2), 10, 12, 13(1) and (2) and 17.";

(B) in column 2 of the Schedule by adding -

"Hong Kong Council for Academic
Accreditation Ordinance
(Chapter 1150), sections
5(e), (g) and (l), 9(1) and
(2), 10, 12, 13(1) and (2)
and 17."

after -

"Non-local Higher and
Professional Education
(Regulation) Ordinance
(Chapter 493), section
8(1)(a)(ii)(B).";

- (n) the Lingnan University Ordinance (Cap. 1165) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Education and Manpower" and substituting "Secretary for Education";
- (o) the Accreditation of Academic and Vocational Qualifications Ordinance (6 of 2007) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Education and Manpower" wherever it appears

and substituting "Secretary for
Education" -

- (i) section 1(2);
- (ii) the definition of "Secretary" in
section 2;
- (iii) section 51;

- (6) the functions exercisable by the Permanent Secretary for Education and Manpower by virtue of -
- (a) the Employment Ordinance (Cap. 57) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 50(3)(h)(ii) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
 - (b) the Employment of Children Regulations (Cap. 57 sub. leg. B) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, those Regulations be amended in the definition of "school attendance certificate" in regulation 2 by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
 - (c) the Employment of Young Persons and Children at Sea Ordinance (Cap. 58) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the proviso of section 2 by repealing "Permanent Secretary

for Education and Manpower" and substituting "Permanent Secretary for Education";

- (d) the Pensions Ordinance (Cap. 89) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 18(1B)(b) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (e) the Pension Benefits Ordinance (Cap. 99) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 19(6)(a) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (f) the Inland Revenue Ordinance (Cap. 112) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, the Specification of Public Offices (Cap. 1 sub. leg. C) be amended in column 1 of the Schedule by repealing "Permanent Secretary for Education and Manpower" where it appears opposite to "Inland Revenue Ordinance (Chapter 112), sections 16B and

- 16C." in column 2 and substituting "Permanent Secretary for Education";
- (g) the Places of Public Entertainment Regulations (Cap. 172 sub. leg. A) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, those Regulations be amended in regulation 178(1)(b) by repealing "Permanent Secretary for Education and Manpower" wherever it appears and substituting "Permanent Secretary for Education";
- (h) the Auxiliary Forces Pay and Allowances Ordinance (Cap. 254) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 16(2)(c) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (i) the Auxiliary Forces Pay and Allowances (Pensions) Regulation (Cap. 254 sub. leg. I) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 6(6)(a) by repealing "Permanent Secretary for Education and Manpower" and

substituting "Permanent Secretary for Education";

(j) the Hong Kong Examinations and Assessment Authority Ordinance (Cap. 261) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in paragraph (a)(vii) of Schedule 2 by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

(k) the Education Ordinance (Cap. 279) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Permanent Secretary" in section 3(1) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

(l) the Post Secondary Colleges Ordinance (Cap. 320) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer -

(i) the Post Secondary Colleges Ordinance (Cap. 320) be amended in the definition of "Permanent

Secretary" in section 2 by
repealing "Permanent Secretary
for Education and Manpower" and
substituting "Permanent
Secretary for Education";

(ii) the Specification of Public
Offices (Cap. 1 sub. leg. C) be
amended in the following items in
column 1 of the Schedule by
repealing "Permanent Secretary
for Education and Manpower" and
substituting "Permanent
Secretary for Education" -

(A) where it appears opposite to
"Post Secondary Colleges
Ordinance (Chapter 320),
sections 3, 8, 9 and 10." in
column 2;

(B) where it appears opposite to
"Post Secondary Colleges
Ordinance (Chapter 320),
sections 11 and 12(2)." in
column 2;

(m) the Post Secondary Colleges Regulations
(Cap. 320 sub. leg. A) be transferred to the
Permanent Secretary for Education and, for
the purpose of giving full effect to such
transfer, those Regulations be amended -

- (i) in the Schedule, in Forms 1, 2 and 3, by repealing "Permanent Secretary for Education and Manpower" wherever it appears and substituting "Permanent Secretary for Education";
 - (ii) in the Schedule, in the English text, in Forms 1, 2 and 3, by repealing "Education and Manpower Bureau" wherever it appears and substituting "Education Bureau";
- (n) the Queen Elizabeth Foundation for the Mentally Handicapped Ordinance (Cap. 399) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 5(ba) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (o) the Pension Benefits (Judicial Officers) Ordinance (Cap. 401) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 20(6)(a) by repealing "Permanent Secretary for Education and Manpower" and

substituting "Permanent Secretary for Education";

- (p) the Electricity Ordinance (Cap. 406) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 32(2) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (q) the Environment and Conservation Fund Ordinance (Cap. 450) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 7(2)(c) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (r) the Hong Kong Arts Development Council Ordinance (Cap. 472) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 3(3)(e) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

- (s) the Sex Discrimination Ordinance (Cap. 480) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in item 15 of Schedule 1 by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (t) the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 5(1) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (u) the Family Status Discrimination Ordinance (Cap. 527) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in item 15 of Schedule 1 by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (v) the Grantham Scholarships Fund Ordinance (Cap. 1076) be transferred to the Permanent

Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 4(1)(b) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

- (w) the Education Scholarships Fund Ordinance (Cap. 1085) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Permanent Secretary for Education and Manpower" wherever it appears and substituting "Permanent Secretary for Education" -

- (i) the definition of "Permanent Secretary" in section 2;

- (ii) section 3(3);

- (x) the Munsang College Incorporation Ordinance (Cap. 1094) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the proviso of section 4(2) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

- (y) the Permanent Secretary for Education and Manpower Incorporation Ordinance (Cap. 1098) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended -
 - (i) in the long title by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
 - (ii) in the heading of section 2 by repealing "**Permanent Secretary for Education and Manpower**" and substituting "**Permanent Secretary for Education**";
 - (iii) in section 2 by repealing "Permanent Secretary for Education and Manpower" where it first appears and substituting "Permanent Secretary for Education";
 - (iv) in section 8(4) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (z) the Social Work Training Fund Ordinance (Cap. 1100) be transferred to the Permanent

Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 5(1)(c) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Labour and Welfare";

(aa) the Sir Robert Black Trust Fund Ordinance (Cap. 1101) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 5(2)(b) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

(ab) the Li Po Chun Charitable Trust Fund Ordinance (Cap. 1110) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Permanent Secretary for Education and Manpower" wherever it appears and substituting "Permanent Secretary for Education" -

- (i) paragraph 2(2) of the Schedule;
- (ii) paragraph 2(3) of the Schedule;
- (iii) paragraph 3(7) of the Schedule;

(ac) The English Schools Foundation Ordinance (Cap. 1117) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Permanent Secretary for Education and Manpower" wherever it appears and substituting "Permanent Secretary for Education" -

(i) section 6(1);

(ii) section 9(8);

(ad) the Police Children's Education Trust Ordinance (Cap. 1119) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 6(2)(c) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

(ae) the Police Education and Welfare Trust Ordinance (Cap. 1120) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 6(2)(c) by repealing "Permanent Secretary for Education and Manpower" and

substituting "Permanent Secretary for Education";

(af) the Correctional Services Children's Education Trust Ordinance (Cap. 1131) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 6(2)(c) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

(ag) the Accreditation of Academic and Vocational Qualifications Ordinance (6 of 2007) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 28(3) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

- (7) the functions exercisable by the Permanent Secretary for Education and Manpower Incorporated by virtue of -
- (a) the Transfer of Businesses (Protection of Creditors) Ordinance (Cap. 49) be transferred to the Permanent Secretary for Education Incorporated and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 10(d) by repealing "Permanent Secretary for Education and Manpower Incorporated" and substituting "Permanent Secretary for Education Incorporated";
 - (b) the Stamp Duty Ordinance (Cap. 117) be transferred to the Permanent Secretary for Education Incorporated and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "incorporated public officer" in section 38 by repealing "Permanent Secretary for Education and Manpower Incorporated" and substituting "Permanent Secretary for Education Incorporated";
 - (c) the Education Ordinance (Cap. 279) be transferred to the Permanent Secretary for Education Incorporated and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 40BE by repealing "Permanent Secretary for

Education and Manpower Incorporation" and substituting "Permanent Secretary for Education Incorporation";

(d) the Permanent Secretary for Education and Manpower Incorporation Ordinance (Cap. 1098) be transferred to the Permanent Secretary for Education Incorporated and, for the purpose of giving full effect to such transfer, that Ordinance be amended -

(i) in section 1 by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

(ii) in section 2 by repealing "Permanent Secretary for Education and Manpower" where it secondly appears and substituting "Permanent Secretary for Education";

**Statutory functions presently exercisable by the Secretary for Education and Manpower (SEM)
which will be transferred to the Secretary for Education (SED) or the Secretary for Labour and Welfare (SLW)**

(I) Statutory functions transferred to SED

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (5)(b)	159 Legal Practitioners Ordinance	<p>This ordinance is to make amended provision for the admission and registration of legal practitioners and their employees, the appointment and registration of notaries public.</p> <p>Major function to be transferred from SEM to SED is:</p> <ul style="list-style-type: none">to nominate a person for appointment as member of the Standing Committee on Legal Education and Training.	<p><u>English and Chinese texts</u></p> <p>Section 74A(3)(a)(iii) is amended by repealing “Secretary for Education and Manpower” / “教育統籌局局長” and substituting “Secretary for Education” / “教育局局長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (5)(d)(i)	279 Education Ordinance	<p>This ordinance is to promote education in Hong Kong, and to consolidate and amend the law relating to the supervision and control of schools and the teaching therein.</p> <p>Major function to be transferred from SEM to SED is :</p> <ul style="list-style-type: none"> ▪ to amend Schedules 1 to 3 to the ordinance. 	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Education and Manpower” / “教育統籌局局長” and substituting “Secretary for Education” / “教育局局長”:</p> <ul style="list-style-type: none"> ▪ section 40AC(1); ▪ section 40BP(2); and ▪ section 40BR(2).
Paragraph (5)(e)	279C Grant Schools Provident Fund Rules	<p>The object of these rules is the maintenance and management of the Grant Schools Provident Fund.</p> <p>Major function to be transferred from SEM to SED is:</p> <ul style="list-style-type: none"> ▪ to receive a copy of the signed and audited statement of accounts together with the auditor's report. 	<p><u>English and Chinese texts</u></p> <p>Rule 15(3) is amended by repealing “Secretary for Education and Manpower” / “教育統籌局局長” and substituting “Secretary for Education” / “教育局局長”.</p>
Paragraph (5)(f)	279D Subsidized Schools Provident Fund Rules	<p>The object of these rules is the maintenance and management of the Subsidized Schools Provident Fund.</p> <p>Major function to be transferred from SEM to SED is:</p> <ul style="list-style-type: none"> ▪ to receive a copy of the signed and audited statement of accounts together with the auditor's report. 	<p><u>English and Chinese texts</u></p> <p>Rule 16(3) is amended by repealing “Secretary for Education and Manpower” / “教育統籌局局長” and substituting “Secretary for Education” / “教育局局長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (5)(h)(i)	493 Non-local Higher and Professional Education (Regulation) Ordinance	<p>This ordinance is to provide for the regulation of courses conducted in Hong Kong which lead to the award of non-local higher academic and professional qualifications</p> <p>Major functions to be transferred from SEM to SED are :</p> <ul style="list-style-type: none"> ■ to make rules; and ■ to amend Schedules to the ordinance. 	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Education and Manpower” / “教育統籌局局長” and substituting “Secretary for Education” / “教育局局長”:</p> <ul style="list-style-type: none"> ■ section 8(1)(a)(ii)(B); ■ section 40(1); and ■ section 41.
Paragraph (5)(h)(ii)	1C Specification of Public Offices	<p>Cap 1C sets out the public officers who may delegate to another public officer the powers conferred or duties imposed on him / her by any particular ordinance. Particulars of specifications made after 1 July 1997 are set out under the Note to Cap 1C.</p> <p>Major function to be transferred from SEM to SED is:</p> <ul style="list-style-type: none"> ■ to delegate to another public officer the powers provided for in section 8(1)(a)(ii)(B) of the Non-local Higher and Professional Education (Regulation) Ordinance (Cap 493). 	<p><u>English and Chinese texts</u></p> <p>The specification of Public Office (L.N. 158 of 2002) is amended by repealing the relevant item making reference to “Secretary for Education and Manpower” / “教育統籌局局長” and substituting a similar item making reference to “Secretary for Education” / “教育局局長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (5)(i)	528 Copyright Ordinance	<p>This ordinance is to restate the law of copyright.</p> <p>Major function to be transferred from SEM to SED is:</p> <ul style="list-style-type: none"> ■ to amend Schedule 1 to the ordinance. 	<p><u>English and Chinese texts</u></p> <p>Section 195(4) is amended by repealing “Secretary for Education and Manpower” / “教育統籌局局長” and substituting “Secretary for Education” / “教育局局長”.</p>
Paragraph (5)(1)	1140 Sir Edward Youde Memorial Fund Ordinance	<p>This ordinance is to establish the "Sir Edward Youde Memorial Fund" and to provide for its administration.</p> <p>Major function to be transferred from SEM to SED is:</p> <ul style="list-style-type: none"> ■ to serve as an ex-officio member of the Sir Edward Youde Memorial Fund Council. 	<p><u>English and Chinese texts</u></p> <p>Section 9(2)(b) is amended by repealing “Secretary for Education and Manpower” / “教育統籌局局長” and substituting “Secretary for Education” / “教育局局長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (5)(m)(i)	1150 Hong Kong Council for Academic Accreditation Ordinance	<p>This ordinance is to provide for the establishment and the functions of the Hong Kong Council for Academic Accreditation as a body corporate.</p> <p>Major functions to be transferred from SEM to SED are :</p> <ul style="list-style-type: none"> ■ to approve banks for depositing money of the Council which is not immediately required, or investments in which such money may be invested; ■ to approve accreditation fees determined and charged by the Council; ■ to approve the amount of honoraria determined by the Council; ■ to approve the remuneration of the Executive Director or of any employee or class of employees or of any advisers determined by the Council; and ■ to approve the Council's estimates of its income and expenditure together with a programme of its proposed activities for the next financial year. 	<p><u>English and Chinese texts</u></p> <p>Section 2(1) is amended by repealing “Secretary for Education and Manpower” / “教育統籌局局長” and substituting “Secretary for Education” / “教育局局長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (5)(m)(ii)	1C Specification of Public Offices	<p>Cap 1C sets out the public officers who may delegate to another public officer the powers conferred or duties imposed on him / her by any particular ordinance. Particulars of specifications made after 1 July 1997 are set out under the Note to Cap 1C.</p> <p>Major function to be transferred from SEM to SED is:</p> <ul style="list-style-type: none"> ▪ to delegate to another public officer the powers provided for in sections 5(e), (g) and (l), 9(1) and (2), 10, 12, 13(1) and (2) and 17 of the Hong Kong Council for Academic Accreditation Ordinance. 	<p><u>English and Chinese texts</u></p> <p>The Specification of Public Office (L.N. 158 of 2002) is amended by repealing the relevant item making reference to “Secretary for Education and Manpower” / “教育統籌局局長” and substituting a similar item making reference to “Secretary for Education” / “教育局局長”.</p>
Paragraph (5)(n)	1165 Lingnan University Ordinance	<p>This ordinance is to provide for the establishment of Lingnan University.</p> <p>Major function to be transferred from SEM to SED is:</p> <ul style="list-style-type: none"> ▪ to receive written notice from members regarding their resignation from the Council/Court of Lingnan University. 	<p><u>English and Chinese texts</u></p> <p>Section 2 is amended by repealing “Secretary for Education and Manpower” / “教育統籌局局長” and substituting “Secretary for Education” / “教育局局長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (5)(o)	Accreditation of Academic and Vocational Qualifications Ordinance (6 of 2007)	<p>This ordinance is to provide for matters relating to accreditation of academic and vocational qualifications; and to make consequential and related amendments to certain enactments.</p> <p>Major functions to be transferred from SEM to SED are :</p> <ul style="list-style-type: none"> ■ to appoint date of commencement of the ordinance; ■ to establish and maintain the Qualifications Framework; ■ to establish a register for entering qualifications recognized by the Qualifications Framework; ■ to give prior approval of fees determined and charged by the Accreditation Authority and QR Authority; ■ to give prior approval for the Accreditation Authority and QR Authority to perform their functions jointly with other persons or organizations; ■ to appoint or re-appoint assessment agencies or cancel such appointment or re-appointment; ■ to appoint the Appeal Board; ■ to determine the rate of remuneration, if any, of the Chairman, Deputy Chairman and panel member of the Appeal Board; ■ to give prior approval of the statement of fee charging policy and the schedule of fees submitted by each of the Accreditation Authority and the QR Authority; and ■ to amend Schedules 1, 2 and 3 to the ordinance. 	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Education and Manpower” / “教育統籌局局長” and substituting “Secretary for Education” / “教育局局長”:</p> <ul style="list-style-type: none"> ■ section 1(2); ■ section 2; and ■ section 51.

(II) Statutory functions transferred to SLW

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (5)(g) (i)	423 Employees Retraining Ordinance	<p>This ordinance is to establish the Employees Retraining Board as a body corporate, to establish the Employees Retraining Fund, to provide for the imposition of a levy payable by employers who employ imported employees, etc.</p> <p>Major functions to be transferred from SEM to SLW are :</p> <ul style="list-style-type: none"> ■ to approve the Employees Retraining Board's estimates of its income and expenditure together with a programme of its activities for the next financial year; and ■ to allocate a quota in respect of an employer under a labour importation scheme. 	<p><u>English text</u></p> <p>Section 2 is amended by repealing the definition of “Secretary” making reference to “Secretary for Education and Manpower” and substituting a new definition making reference to “Secretary for Labour and Welfare”.</p> <p>Section 33(1) (which is a transitional provision) is amended by repealing “Secretary” and substituting “Secretary for Education and Manpower”.</p> <p><u>Chinese text</u></p> <p>Section 2 is amended by adding the definition of “局長” making reference to “勞工及福利局局長”.</p> <p>The following sections are amended by repealing “教育統籌局局長” and substituting “局長” :</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
			<ul style="list-style-type: none"> ■ section 9(2); ■ section 9(3); and ■ section 14(4).
Paragraph (5)(g)(ii)	1C Specification of Public Offices	<p>Cap 1C sets out the public officers who may delegate to another public officer the powers conferred or duties imposed on him / her by any particular ordinance. Particulars of specifications made after 1 July 1997 are set out under the Note to Cap 1C.</p> <p>Major function to be transferred from SEM to SLW is:</p> <ul style="list-style-type: none"> ■ to delegate to another public officer the powers provided for in sections 9(2) and (3) and 14(4) of the Employees Retraining Ordinance (Cap 423). 	<p><u>English and Chinese texts</u></p> <p>The Specification of Public Office (L.N. 158 of 2002) is amended by repealing the relevant item making reference to “Secretary for Education and Manpower” / “教育統籌局局長” and substituting a similar item making reference to “Secretary for Labour and Welfare” / “勞工及福利局局長”.</p>

(III) Amendments involving the title of the bureau

The Resolution	Cap	Textual amendments provided for in the Resolution
Paragraph (5)(a)	134 Dangerous Drugs Ordinance	<u>English and Chinese texts</u> Item 14 of the Fourth Schedule is amended by repealing “Education and Manpower Bureau” / “教育統籌局” and substituting “Education Bureau” / “教育局”.
Paragraph (5)(c)	243 Child Care Services Ordinance	<u>English and Chinese texts</u> The following sections are amended by repealing “Education and Manpower Bureau” / “教育統籌局” and substituting “Education Bureau” / “教育局” : <ul style="list-style-type: none">■ section 4(2); and■ section 12(a).
Paragraph (5)(d)(ii)	279 Education Ordinance	<u>English and Chinese texts</u> The following sections are amended by repealing “Education and Manpower Bureau” / “教育統籌局” and substituting “Education Bureau” / “教育局” : <ul style="list-style-type: none">■ section 5(2); and■ section 79(a).
Paragraph (5)(j)	1098 Permanent Secretary for Education and Manpower Incorporation Ordinance	<u>English and Chinese texts</u> Section 4 is amended by repealing “Education and Manpower Bureau” / “教育統籌局” and substituting “Education Bureau” / “教育局”.

The Resolution	Cap	Textual amendments provided for in the Resolution
Paragraph (5)(k)	1102 St. Paul's College Council Incorporation Ordinance	<u>English and Chinese texts</u> Section 4(1)(h) is amended by repealing "Education and Manpower Bureau" / "教育統籌局" and substituting "Education Bureau" / "教育局".

**Statutory functions presently exercisable by the Permanent Secretary for Education and Manpower (PSEM)
which will be transferred to the Permanent Secretary for Education (PSED)**

(I) Statutory functions transferred to PSED

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (6)(a)	57 Employment Ordinance	<p>This ordinance is to provide for the protection of the wages of employees, to regulate general conditions of employment and employment agencies :</p> <p>Section 50, which sets out the types of employment agency exempted from Part XII of the ordinance, has made reference to “Permanent Secretary for Education and Manpower”.</p>	<p><u>English and Chinese texts</u></p> <p>Section 50(3)(h)(ii) is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (6)(b)	57B Employment of Children Regulations	Regulation 2, which includes a definition of “school attendance certificate”, has made reference to the “Permanent Secretary for Education and Manpower”.	<u>English and Chinese texts</u> Regulation 2 is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.
Paragraph (6)(c)	58 Employment of Young Persons and Children at Sea Ordinance	This ordinance is to regulate the employment of young persons and children at sea. Section 2, which provides for the restriction on employment on vessels of children under 15, has made reference to the “Permanent Secretary for Education and Manpower”.	<u>English and Chinese texts</u> Section 2 is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.
Paragraph (6)(d)	89 Pensions Ordinance	This ordinance is to consolidate and amend the law regulating the granting of pensions, gratuities and other allowances in respect of public service Section 18, which sets out inter alia what “university, college, school or other educational establishment” means, has made reference to “Permanent Secretary for Education and Manpower”.	<u>English and Chinese texts</u> Section 18(1B)(b) is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (6)(e)	99 Pension Benefits Ordinance	<p>This ordinance is to make provision for the granting of pension benefits in respect of the public service.</p> <p>Section 19, which sets out inter alia the definition of “full-time education”, has made reference to “Permanent Secretary for Education and Manpower”.</p>	<p><u>English and Chinese texts</u></p> <p>Section 19(6)(a) is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>
Paragraph (6)(f)	112 Inland Revenue Ordinance	<p>Cap 1C sets out the public officers who may delegate to another public officer the powers conferred or duties imposed on him / her by any particular ordinance.</p> <p>Major function to be transferred from PSEM to PSED is:</p> <ul style="list-style-type: none"> ■ to delegate to another public officer the powers provided for in sections 16B and 16C of the Inland Revenue Ordinance (Cap 112). 	<p><u>English and Chinese texts</u></p> <p>The relevant item in the Schedule to Cap 1C is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>
Paragraph (6)(g)	172A Places of Public Entertainment Regulations	<p>Section 178, which provides that the fee for using a place of public entertainment may be waived or reduced for educational institution or organization recommended by the Permanent Secretary for Education and Manpower, has made reference to “Permanent Secretary for Education and Manpower”.</p>	<p><u>English and Chinese texts</u></p> <p>Section 178(1)(b) is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (6)(h)	254 Auxiliary Forces Pay and Allowances Ordinance	<p>This ordinance is to make provision for the granting of pay, pensions, gratuities, allowances and other benefits in respect of the auxiliary forces.</p> <p>Section 16 provides that a regulation made under its sub-section (2)(c) may empower the Permanent Secretary for Education and Manpower to recognize full-time education at any university, college, school or other educational establishments.</p>	<p><u>English and Chinese texts</u></p> <p>Section 16(2)(c) is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>
Paragraph (6)(i)	254I Auxiliary Forces Pay and Allowances (Pensions) Regulation	<p>Section 6, which sets out inter alia the definition of “full-time education”, has made reference to “Permanent Secretary for Education and Manpower”.</p>	<p><u>English and Chinese texts</u></p> <p>Section 6(6)(a) is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>
Paragraph (6)(j)	261 Hong Kong Examinations and Assessment Authority Ordinance	<p>Schedule 2 to the ordinance sets out the membership of the Authority, and provides that the Permanent Secretary for Education and Manpower, or his representative, shall be a member of the Authority.</p>	<p><u>English and Chinese texts</u></p> <p>Paragraph (a) (vii) of Schedule 2 is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (6)(k)	279 Education Ordinance	<p>This ordinance is to promote education in Hong Kong, and to consolidate and amend the law relating to the supervision and control of schools and the teaching therein.</p> <p>Major functions to be transferred from PSEM to PSED are :</p> <ul style="list-style-type: none"> ■ to issue permit to teach; ■ to order attendance at primary school or secondary school; ■ to register schools, teachers, school manager; ■ to approve constitution of an incorporated management committee, school supervisor, principal and list of managers; ■ to decide application for exemption from any requirement of this Ordinance on the composition of an IMC; ■ to close school or give directions in cases of danger or misconduct; and ■ to set restrictions on entry into school premises. 	<p><u>English and Chinese texts</u></p> <p>Section 3(1) is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (6)(1)(i)	320 Post Secondary Colleges Ordinance	<p>This ordinance is to provide for the registration and control of certain Post Secondary Colleges and their consequent exemption from the provisions of the Education Ordinance (Cap 279).</p> <p>Major functions to be transferred from PSEM to PSED are :</p> <ul style="list-style-type: none"> ■ to keep a register of Colleges, a register of members of Boards of Governors, a register of members of College Councils, and a register of teachers in Colleges; ■ to register a post-secondary college and approve the name under which it is registered; ■ to approve colleges to establish institutes or departments of research or special studies; ■ to visit the colleges for the purpose of ensuring compliance with any conditions attaching to financial assistance from Government; and ■ to exempt any College, officer, teacher or student thereof from any of the provisions of any regulations made under section 12 of the Ordinance. 	<p><u>English and Chinese texts</u></p> <p>Section 2 is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (6)(l)(ii)	1C Specification of Public Offices	<p>Cap 1C sets out the public officers who may delegate to another public officer the powers conferred or duties imposed on him / her by any particular ordinance.</p> <p>Major function to be transferred from PSEM to PSED is:</p> <ul style="list-style-type: none"> ▪ to delegate to another public officer the powers provided for in sections 3, 8, 9, 10, 11 and 12(2) of the Non-local Higher and Professional Education (Regulation) Ordinance (Cap 493). 	<p><u>English and Chinese texts</u></p> <p>The relevant items in the Schedule are amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>
Paragraph (6)(m)(i)	320A Post Secondary Colleges Regulations	Forms 1, 2, 3 in the Schedule have made reference to the “Permanent Secretary for Education and Manpower”	<p><u>English and Chinese texts</u></p> <p>The three forms are amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>
Paragraph (6)(n)	399 Queen Elizabeth Foundation for the Mentally Handicapped Ordinance	<p>This ordinance is to establish the Queen Elizabeth Foundation for the Mentally Handicapped and to provide for its administration.</p> <p>Section 5(ba) provides for the membership of the Council of the Queen Elizabeth Foundation for the Mentally Handicapped, which shall consist of, among others, the Permanent Secretary for Education and Manpower or his representative.</p>	<p><u>English and Chinese texts</u></p> <p>Section 5(ba) is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (6)(o)	401 Pension Benefits (Judicial Officers) Ordinance	<p>This ordinance is to provide for the granting of pension benefits to judicial officers.</p> <p>Section 20, which sets out inter alia the definition of “full-time education”, has made reference to “Permanent Secretary for Education and Manpower”.</p>	<p><u>English and Chinese texts</u></p> <p>Section 20(6)(a) is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>
Paragraph (6)(p)	406 Electricity Ordinance	<p>This ordinance is to provide for the registration of electrical workers, contractors and generating facilities, etc.</p> <p>Section 32 refers to “training course or tests of a university, polytechnic or tertiary educational institute, the Vocational Training Council or an institute, training centre, school or programme run or approved by the Director or by the Permanent Secretary for Education and Manpower for instruction or testing involving electrical work”.</p>	<p><u>English and Chinese texts</u></p> <p>Section 32(2) is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>
Paragraph (6)(q)	450 Environment and Conservation Fund Ordinance	<p>This ordinance is to establish a trust fund called the Environment and Conservation Fund and to provide for its administration.</p> <p>Section 7 provides for the membership of the Environment and Conservation Fund Committee, which shall consist of, among others, the Permanent Secretary for Education and Manpower or his representative.</p>	<p><u>English and Chinese texts</u></p> <p>Section 7(2)(c) is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (6)(r)	472 Hong Kong Arts Development Council Ordinance	<p>This ordinance is to provide for the establishment and the functions of the Hong Kong Arts Development Council.</p> <p>Section 3 provides for the membership of the Hong Kong Arts Development Council, which shall consist of, among others, the Permanent Secretary for Education and Manpower or his representative.</p>	<p><u>English and Chinese texts</u></p> <p>Section 3(3)(e) is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>
Paragraph (6)(s)	480 Sex Discrimination Ordinance	<p>This ordinance is to render unlawful certain kinds of sex discrimination, discrimination on the ground of marital status or pregnancy, and sexual harassment; and to provide for the establishment of the Equal Opportunity Commission.</p> <p>Schedule 1 to the ordinance specifies the scope of educational establishments and their responsible bodies. For Item 15 (ie “any school, within the meaning of section 3 of the Education Ordinance (Cap 279), entirely maintained and controlled by the Government”), the Schedule refers to “Permanent Secretary for Education and Manpower” as the responsible body.</p>	<p><u>English and Chinese texts</u></p> <p>Item 15 of Schedule 1 is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (6)(t)	493 Non-local Higher and Professional Education (Regulation) Ordinance	<p>This ordinance is to provide for the regulation of courses conducted in Hong Kong which lead to the award of non-local higher academic and professional qualifications</p> <p>The function to be transferred from SEM to SED is :</p> <ul style="list-style-type: none"> ▪ to serve, by himself or a public officer appointed by him, as the Registrar of Non-local Higher and Professional Education Courses. 	<p><u>English and Chinese texts</u></p> <p>Section 5(1) is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>
Paragraph (6)(u)	527 Family Status Discrimination Ordinance	<p>This ordinance is to render unlawful discrimination against persons on the ground of family status and to extend the jurisdiction of the Equal Opportunities Commission to include such discrimination.</p> <p>Schedule 1 to the ordinance specifies the scope of educational establishments and their responsible bodies. For Item 15 (ie “any school, within the meaning of section 3 of the Education Ordinance (Cap 279), entirely maintained and controlled by the Government”), the Schedule refers to “Permanent Secretary for Education and Manpower” as the responsible body.</p>	<p><u>English and Chinese texts</u></p> <p>Item 15 of Schedule 1 is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (6)(v)	1076 Grantham Scholarships Fund Ordinance	<p>This ordinance is to make provision for the establishment of a trust fund to be known as the "Grantham Scholarships Fund", and for its administration.</p> <p>Section 4 provides for the membership of a committee to manage the fund, which shall consist of, among others, the Permanent Secretary for Education and Manpower.</p>	<p><u>English and Chinese texts</u></p> <p>Section 4(1)(b) is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (6)(w)	1085 Education Scholarships Fund Ordinance	<p>This ordinance is to make provision for the establishment of a trust fund to be known as the Education Scholarships Fund and for its administration.</p> <p>Major functions to be transferred from PSEM to PSED are :</p> <ul style="list-style-type: none"> ■ to give notice of any variation of the value of a scholarship or of an award thereof or of the creation of an additional award of a scholarship; ■ to give notice of any future donations accepted under section 14 of the Ordinance; ■ to make withdrawal from the fund by signing cheques himself and either the secretary or the treasurer; and ■ to publish order changing the conditions of award of a scholarship. <p>Moreover, section 5 provides for the membership of the Education Scholarships Fund Committee, which shall consist of, among others, the Permanent Secretary for Education and Manpower or his representative.</p>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長” :</p> <ul style="list-style-type: none"> ■ section 2; and ■ section 3(3).

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (6)(x)	1094 Munsang College Incorporation Ordinance	<p>This ordinance is to provide for the incorporation of the council of the Munsang College, Hong Kong.</p> <p>Major function to be transferred from PSEM to PSED is:</p> <ul style="list-style-type: none"> ■ to approve appointments to the council in the case of supervisors. 	<p><u>English and Chinese texts</u></p> <p>Section 4(2) is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>
Paragraph (6)(y)	1098 Permanent Secretary for Education and Manpower Incorporation Ordinance	<p>This ordinance is to provide for the incorporation of the Permanent Secretary for Education and Manpower.</p> <p>Major function to be transferred from PSEM to PSED is:</p> <ul style="list-style-type: none"> ■ to sign statement of accounts. 	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”:</p> <ul style="list-style-type: none"> ■ long title; ■ heading of section 2; ■ section 2 (where it first appears); and ■ section 8(4).

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (6)(z)	1100 Social Work Training Fund Ordinance	<p>This ordinance is to establish a trust fund for the training of social workers.</p> <p>Section 5 provides for the membership of Social Work Training Fund Committee, which shall consist of, among others, the Permanent Secretary for Education and Manpower or his nominee.</p>	<p><u>English and Chinese texts</u></p> <p>Section 5(1)(c) is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Labour and Welfare” / “勞工及福利局常任秘書長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (6)(aa)	1101 Sir Robert Black Trust Fund Ordinance	<p>This ordinance is to make provision for the establishment of the "Sir Robert Black Trust Fund" and for its administration</p> <p>Section 5 provides for the membership of the Sir Robert Black Trust Fund Committee, which shall consist of the Permanent Secretary for Education and Manpower.</p>	<p><u>English and Chinese texts</u></p> <p>Section 5(2)(b) is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>
Paragraph (6)(ab)	1110 Li Po Chun Charitable Trust Fund Ordinance	<p>This ordinance is to provide for the establishment and administration of the Li Po Chun Charitable Trust Fund.</p> <p>Major functions to be transferred from PSEM to PSED are :</p> <ul style="list-style-type: none"> ■ to appoint a selection board for awarding scholarship to a graduate of a university established in Hong Kong; ■ to continue the scholarship if satisfied with the progress and conduct of the scholar; and ■ to select secondary school students for receipt of Li Po Chun Scholarships. 	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長” :</p> <ul style="list-style-type: none"> ■ paragraph 2(2) of the Schedule; ■ paragraph 2(3) of the Schedule; and ■ paragraph 3(7) of the Schedule.

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (6)(ac)	1117 English Schools Foundation Ordinance	<p>This ordinance is to establish The English Schools Foundation, to provide for its incorporation, constitution, functions</p> <p>Major functions to be transferred from PSEM to PSED are :</p> <ul style="list-style-type: none"> ■ to approve the registration of the Foundation as the sole manager and supervisor of each of the schools of the Foundation; and ■ to approve the appointment of principal of each school and the period of such employment as determined by the Executive Committee acting on behalf of the Foundation upon the recommendation of the appropriate School Council 	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長” :</p> <ul style="list-style-type: none"> ■ section 6(1); and ■ section 9(8).
Paragraph (6)(ad)	1119 Police Children’s Education Trust Ordinance	<p>This ordinance is to establish the Police Children's Education Trust.</p> <p>Section 6 provides for the membership of the Police Children's Education Trust Committee, which shall consist of the Permanent Secretary for Education and Manpower or his representative.</p>	<p><u>English and Chinese texts</u></p> <p>Section 6(2)(c) is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (6)(ae)	1120 Police Education and Welfare Trust Ordinance	<p>This ordinance is to establish the Police Education and Welfare Trust.</p> <p>Section 6 provides for the membership of the Police Education and Welfare Trust Committee, which shall consist of the Permanent Secretary for Education and Manpower or his representative.</p>	<p><u>English and Chinese texts</u></p> <p>Section 6(2)(c) is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>
Paragraph (6)(af)	1131 Correctional Services Children’s Education Trust Ordinance	<p>This ordinance is to establish the Correctional Services Children’s Education Trust.</p> <p>Section 6 provides for the membership of the Correctional Services Children’s Education Trust Committee, which shall consist of the Permanent Secretary for Education and Manpower or his representative.</p>	<p><u>English and Chinese texts</u></p> <p>Section 6(2)(c) is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>
Paragraph (6)(ag)	Accreditation of Academic and Vocational Qualifications Ordinance (6 of 2007)	<p>This ordinance is to provide for matters relating to accreditation of academic and vocational qualifications; and to make consequential and related amendments to certain enactments.</p> <p>Section 28 of the Ordinance, which will amend the Hong Kong Council for Academic Accreditation Ordinance (Cap. 1150) makes reference to “Permanent Secretary for Education and Manpower”.</p>	<p><u>English and Chinese texts</u></p> <p>Section 28(3) is amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長”.</p>

(II) Amendments involving the title of the bureau

The Resolution	Cap	Textual amendments provided for in the Resolution
Paragraph (6)(m)(ii)	320A Post Secondary College Regulations	<u>English text</u> The three forms are amended by repealing “Education and Manpower Bureau” and substituting “Education Bureau”.

(III) Amendments involving the title of the PSEM Incorporated

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph 7(a)	49 Transfer of Businesses (Protection of Creditors) Ordinance	This ordinance is to protect creditors on the transfer of businesses, to provide for the liability of transferees of business, the manner in which such liability may be avoided. Section 10 provides that the ordinance shall not apply to any transferee where the transfer is effected by, among others, “Permanent Secretary for Education and Manpower Incorporated”.	<u>English and Chinese texts</u> Section 10(d) is amended by repealing “Permanent Secretary for Education and Manpower Incorporated” / “教育統籌局常任秘書長法團” and substituting “Permanent Secretary for Education Incorporated” / “教育局常任秘書長法團”.

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph 7(b)	117 Stamp Duty Ordinance	<p>This ordinance is to consolidate and amend the law relating to stamp duty.</p> <p>Section 38, which includes a definition of “incorporated public officer”, has made reference to the “Permanent Secretary for Education and Manpower Incorporated”.</p>	<p><u>English and Chinese texts</u></p> <p>Section 38 is amended by repealing “Permanent Secretary for Education and Manpower Incorporated” / “教育統籌局常任秘書長法團” and substituting “Permanent Secretary for Education Incorporated” / “教育局常任秘書長法團”.</p>
Paragraph 7(c)	279 Education Ordinance	<p>This ordinance is to promote education in Hong Kong, and to consolidate and amend the law relating to the supervision and control of schools and the teaching therein.</p> <p>Section 40BE has made reference to the “Permanent Secretary for Education and Manpower Incorporation”.</p>	<p><u>English and Chinese texts</u></p> <p>Section 40BE is amended by repealing “Permanent Secretary for Education and Manpower Incorporation” / “教育統籌局常任秘書長法團” and substituting “Permanent Secretary for Education Incorporation” / “教育局常任秘書長法團”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph 7(d)	1098 Permanent Secretary for Education and Manpower Incorporation Ordinance	<p>This ordinance is to provide for the incorporation of the Permanent Secretary for Education and Manpower.</p> <p>Sections 1 and 2 have cited the title of the ordinance and the title of the corporation sole. Hence they have made reference to the “Permanent Secretary for Education and Manpower”.</p>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Permanent Secretary for Education and Manpower” / “教育統籌局常任秘書長” and substituting “Permanent Secretary for Education” / “教育局常任秘書長” :</p> <ul style="list-style-type: none"> ■ section 1; and ■ section 2 (where it secondly appears).

- (13) in addition to and without derogating from section 23 of the Interpretation and General Clauses Ordinance (Cap. 1) -
- (a) the corporation sole known as the "Permanent Secretary for Education" constituted by section 3(3) of the Education Scholarships Fund Ordinance (Cap. 1085) as amended by this Resolution is deemed to be a continuation of and the same legal entity as the corporation sole known as the "Permanent Secretary for Education and Manpower" constituted by that section before 1 July 2007;
 - (b) all property, rights and liabilities to which the corporation sole known as the "Permanent Secretary for Education and Manpower" was entitled or subject immediately before 1 July 2007 are deemed to be vested, without any actual transfer or conveyance, in the corporation sole known as the "Permanent Secretary for Education";
 - (c) nothing in this Resolution affects the legality and validity of anything done by the corporation sole known as the "Permanent Secretary for Education and Manpower" before 1 July 2007;
 - (d) without limiting subparagraphs (a), (b) and (c) -

- (i) a reference to the corporation sole known as the "Permanent Secretary for Education and Manpower" -
 - (A) in any agreement, arrangement or contract or in any deed, bond or any other instrument;
 - (B) in any process or other document issued, prepared or employed for the purpose of any proceeding before a court, tribunal or similar body; and
 - (C) in any other document whatsoever (other than an enactment) relating to or affecting any property, right or liability of the corporation sole known as the "Permanent Secretary for Education and Manpower" which vests in the corporation sole known as the "Permanent Secretary for Education" by virtue of subparagraph (b), shall be taken as from 1 July 2007 as referring to the corporation sole known as the "Permanent Secretary for Education";

- (ii) the record of property of the corporation sole known as the "Permanent Secretary for Education and Manpower" immediately before 1 July 2007 that is in the form of any entry in the books of a bank, company or other corporation is to be transferred in those books to the corporation sole known as the "Permanent Secretary for Education" on the request of the corporation sole known as the "Permanent Secretary for Education" by the bank, company or other corporation;
- (iii) where the corporation sole known as the "Permanent Secretary for Education and Manpower" is the trustee of any trust, the corporation sole known as the "Permanent Secretary for Education" shall with effect from 1 July 2007 continue as trustee of that trust in substitution of the corporation sole known as the "Permanent Secretary for Education and Manpower";

- (iv) the corporation sole known as the "Permanent Secretary for Education" may sue on, recover or enforce any property or right vested in it under subparagraph (b) and may be sued for any liabilities to which it is subject under that subparagraph;
- (v) the corporation sole known as the "Permanent Secretary for Education" may sue on, recover or enforce a chose in action vested in it under subparagraph (b) without having to give a notice of transfer to the person bound by the chose in action;
- (vi) any claim by or against the corporation sole known as the "Permanent Secretary for Education and Manpower" in any judicial or administrative proceedings that is subsisting immediately before 1 July 2007 does not abate by reason of the making and passing of this Resolution and may be continued or enforced by or against the corporation sole known as the

"Permanent Secretary for Education";

(vii) in any judicial or administrative proceedings that is subsisting immediately before 1 July 2007 in which the corporation sole known as the "Permanent Secretary for Education and Manpower" is a party, the corporation sole known as the "Permanent Secretary for Education" shall, on and from that date, substitute for the corporation sole known as the "Permanent Secretary for Education and Manpower" as that party;

(e) in this paragraph, a reference to property, rights and liabilities of the corporation sole known as the "Permanent Secretary for Education and Manpower" is a reference to -

(i) property and assets of every description (whether tangible or intangible) and rights and liabilities of every description (whether present or future, actual or contingent);

- (ii) property wherever situated or
rights and liabilities under the
law of any place;

- (14) in addition to and without derogating from section 23 of the Interpretation and General Clauses Ordinance (Cap. 1) -
- (a) the corporation sole known as the "Permanent Secretary for Education Incorporated" constituted by section 2 of the Permanent Secretary for Education and Manpower Incorporation Ordinance (Cap. 1098) as amended by this Resolution is deemed to be a continuation of and the same legal entity as the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" constituted by that section before 1 July 2007;
 - (b) all property, rights and liabilities to which the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" was entitled or subject immediately before 1 July 2007 are deemed to be vested, without any actual transfer or conveyance, in the corporation sole known as the "Permanent Secretary for Education Incorporated";
 - (c) nothing in this Resolution affects the legality and validity of anything done by the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" before 1 July 2007;

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

(i) a reference to the corporation
sole known as the "Permanent
Secretary for Education and
Manpower Incorporated" -

(A) in any agreement, arrangement
or contract or in any deed,
bond or any other instrument;

(B) in any process or other
document issued, prepared or
employed for the purpose of
any proceeding before a court,
tribunal or similar body; and

(C) in any other document
whatsoever (other than an
enactment) relating to or
affecting any property, right
or liability of the
corporation sole known as the
"Permanent Secretary for
Education and Manpower
Incorporated" which vests in
the corporation sole known as
the "Permanent Secretary for
Education Incorporated" by
virtue of subparagraph (b),
shall be taken as from 1 July 2007
as referring to the corporation

sole known as the "Permanent Secretary for Education Incorporated";

(ii) the record of property of the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" immediately before 1 July 2007 that is in the form of any entry in the books of a bank, company or other corporation is to be transferred in those books to the corporation sole known as the "Permanent Secretary for Education Incorporated" on the request of the corporation sole known as the "Permanent Secretary for Education Incorporated" by the bank, company or other corporation;

(iii) where the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" is the trustee of any trust, the corporation sole known as the "Permanent Secretary for Education Incorporated" shall with effect

from 1 July 2007 continue as trustee of that trust in substitution of the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated";

- (iv) the corporation sole known as the "Permanent Secretary for Education Incorporated" may sue on, recover or enforce any property or right vested in it under subparagraph (b) and may be sued for any liabilities to which it is subject under that subparagraph;
- (v) the corporation sole known as the "Permanent Secretary for Education Incorporated" may sue on, recover or enforce a chose in action vested in it under subparagraph (b) without having to give a notice of transfer to the person bound by the chose in action;
- (vi) any claim by or against the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" in any judicial or

administrative proceedings that is subsisting immediately before 1 July 2007 does not abate by reason of the making and passing of this Resolution and may be continued or enforced by or against the corporation sole known as the "Permanent Secretary for Education Incorporated";

- (vii) in any judicial or administrative proceedings that is subsisting immediately before 1 July 2007 in which the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" is a party, the corporation sole known as the "Permanent Secretary for Education Incorporated" shall, on and from that date, substitute for the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" as that party;

- (e) in this paragraph, a reference to property, rights and liabilities of the corporation sole known as the "Permanent Secretary for

Education and Manpower Incorporated" is a reference to -

- (i) property and assets of every description (whether tangible or intangible) and rights and liabilities of every description (whether present or future, actual or contingent);
- (ii) property wherever situated or rights and liabilities under the law of any place.