

**Subcommittee to Study the Proposed Legislative Amendments  
Relating to the Re-organisation 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 Commerce and Economic Development**

**Introduction**

This paper sets out the transfer of statutory functions currently exercisable by the Secretary for Commerce and Economic Development (SCED) to the Secretary for Commerce and Industries (SCI), the Secretary for Technology and Communications (STC) and the Secretary for Culture (S for C) with effect from 1 July 2012.

**Background**

2. Pursuant to the re-organisation plan announced by the Chief Executive-elect on 4 May 2012, the existing Commerce and Economic Development Bureau (CEDB) (less policy responsibilities on creative industries) will be restructured into two new bureaux, namely the Commerce and Industries Bureau, and the Technology and Communications Bureau. Details of the proposal and rationale are set out in the paper for the Legislative Council (LegCo) Panel for Constitutional Affairs issued on 4 May 2012 (LC Paper No. CB(2)1908/11-12(01)).

3. To implement the new organisation structure, the following policy portfolios currently under SCED will be taken up by three separate Directors of Bureaux with effect from 1 July 2012 :

- (a) matters relating to Hong Kong's external commercial relations, Mainland and Hong Kong Closer Economic Partnership Arrangement, investment promotion, intellectual property protection, industry support, trade facilitation, competition policy, tourism, consumer protection, wine-related business, postal services and meteorological services will be transferred to SCI;
- (b) matters relating to broadcasting, telecommunications, information technology as well as innovation and technology will be transferred to STC; and

- (c) matters relating to creative industries will be transferred to S for C.

The relevant statutory functions currently vested in SCED will be transferred to these three Directors of Bureaux accordingly.

4. 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 Resolution). The Administration has served notice of the intention to move the Resolution at the LegCo meeting of 20 June 2012. The Resolution and the draft speech of the Secretary for Constitutional and Mainland Affairs are attached to the paper issued by the LegCo Secretariat on 10 May 2012 (LC Paper No. CB(3)735/11-12). Paragraphs (1)(a) and (b) of and Schedule 1 to the Resolution, at **Annex A**, provide for the transfer of statutory functions of the relevant public officers pursuant to the restructuring of CEDB.

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 public officers concerned by the new title of the public officers in whom policy responsibility for the provisions in question is to be vested with effect from 1 July 2012.

6. A summary of the statutory functions of SCED under existing legislation to be transferred to SCI, STC and S for C and the textual amendments to the relevant ordinances is at **Annex B**. A summary of the major statutory functions of Permanent Secretary for Commerce and Economic Development (Communications and Technology) under existing legislation to be transferred to Permanent Secretary for Technology and Communications and the textual amendments to the relevant ordinance is at **Annex C**.

### **Advice Sought**

7. Members are invited to consider paragraphs (1)(a) and (b) of and Schedule 1 to the Resolution.

**Constitutional and Mainland Affairs Bureau  
Commerce and Economic Development Bureau  
May 2012**

## **Interpretation and General Clauses Ordinance**

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### **Resolution**

(Under section 54A of the Interpretation and General Clauses Ordinance  
(Cap. 1))

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**Resolved that—**

- (1) with effect from 1 July 2012—
    - (a) the functions exercisable by the Secretary for Commerce and Economic Development under each enactment specified in column 2 of Part 1 of Schedule 1 be transferred to the public officer specified opposite to that enactment in column 3 of that Part, and to give full effect to the transfer, the enactments specified in Part 2 of Schedule 1 be amended as set out in that Part;
    - (b) the functions exercisable by the Permanent Secretary for Commerce and Economic Development (Communications and Technology) under the Electronic Transactions Ordinance (Cap. 553) be transferred to the Permanent Secretary for Technology and Communications, and to give full effect to the transfer, that Ordinance be amended in the definition of *Permanent Secretary* in section 2(1) by repealing “Permanent Secretary for Commerce and Economic Development (Communications and Technology)” and substituting “Permanent Secretary for Technology and Communications”;
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**Schedule 1**

[para. (1)(a)]

**Transfer of Functions of Secretary for Commerce and  
Economic Development**

**Part 1**

**Enactments and Public Officers**

**Division 1—Commerce, Industry and Tourism**

Item	Enactment under which functions are transferred	Public officer to whom functions are transferred
1.	Import and Export Ordinance (Cap. 60)	Secretary for Commerce and Industries
2.	Dutiable Commodities Ordinance (Cap. 109)	Secretary for Commerce and Industries
3.	Consumer Council Ordinance (Cap. 216)	Secretary for Commerce and Industries
4.	Travel Agents Ordinance (Cap. 218)	Secretary for Commerce and Industries
5.	Reserved Commodities Ordinance (Cap. 296)	Secretary for Commerce and Industries
6.	Hong Kong Tourism Board Ordinance (Cap. 302)	Secretary for Commerce and Industries

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Item	Enactment under which functions are transferred	Public officer to whom functions are transferred
7.	Trade Descriptions Ordinance (Cap. 362)	Secretary for Commerce and Industries
8.	Toys and Children's Products Safety Ordinance (Cap. 424)	Secretary for Commerce and Industries
9.	Bills of Lading and Analogous Shipping Documents Ordinance (Cap. 440)	Secretary for Commerce and Industries
10.	Consumer Goods Safety Ordinance (Cap. 456)	Secretary for Commerce and Industries
11.	Patents Ordinance (Cap. 514)	Secretary for Commerce and Industries
12.	Copyright Ordinance (Cap. 528)	Secretary for Commerce and Industries
13.	Prevention of Copyright Piracy Ordinance (Cap. 544)	Secretary for Commerce and Industries
14.	Tung Chung Cable Car Ordinance (Cap. 577)	Secretary for Commerce and Industries
15.	Chemical Weapons (Convention) Ordinance (Cap. 578)	Secretary for Commerce and Industries
16.	Hong Kong Trade Development Council Ordinance (Cap. 1114)	Secretary for Commerce and Industries

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Item	Enactment under which functions are transferred	Public officer to whom functions are transferred
17.	Copyright (Amendment) Ordinance 2007 (15 of 2007)	Secretary for Commerce and Industries

### **Division 2—Communications and Technology**

Item	Enactment under which functions are transferred	Public officer to whom functions are transferred
1.	Telecommunications Ordinance (Cap. 106)	Secretary for Technology and Communications
2.	Control of Obscene and Indecent Articles Ordinance (Cap. 390)	Secretary for Technology and Communications
3.	Film Censorship Ordinance (Cap. 392)	Secretary for Technology and Communications
4.	Electronic Transactions Ordinance (Cap. 553)	Secretary for Technology and Communications
5.	Entertainment Special Effects Ordinance (Cap. 560)	Secretary for Culture
6.	Broadcasting Ordinance (Cap. 562)	Secretary for Technology and Communications
7.	Unsolicited Electronic Messages Ordinance (Cap. 593)	Secretary for Technology and Communications
8.	Communications Authority Ordinance (Cap. 616)	Secretary for Technology and Communications

## Part 2

### Amendments Effecting Transfer

#### Division 1—Transfer to Secretary for Commerce and Industries

1. “Secretary for Commerce and Industries” substituted for “Secretary for Commerce and Economic Development”
  - (1) The following provisions—
    - (a) Import and Export Ordinance (Cap. 60), section 39(2);
    - (b) Dutiable Commodities Ordinance (Cap. 109), section 2(5);
    - (c) Consumer Council Ordinance (Cap. 216), sections 15 and 16(1), (3) and (5);
    - (d) Travel Agents Ordinance (Cap. 218), sections 32G(2), 32H(2)(c)(ii), 32I(1)(b), 32K(1) and (2)(b), 32L(5), 32M(1), (3) and (5), 32N(2), 32N(4) (definition of *specified*), 32O(1), 32P(1) and (2), 32Q, 50(1) and 53;
    - (e) Reserved Commodities Ordinance (Cap. 296), section 2(3);
    - (f) Hong Kong Tourism Board Ordinance (Cap. 302), sections 17B(1), (2)(b) and (8) and 19(2);
    - (g) Trade Descriptions Ordinance (Cap. 362), section 2(1), definition of *Secretary*;
    - (h) Toys and Children’s Products Safety Ordinance (Cap. 424), section 2, definition of *Secretary*;
    - (i) Bills of Lading and Analogous Shipping Documents Ordinance (Cap. 440), section 7(1) and (2)(a);
    - (j) Consumer Goods Safety Ordinance (Cap. 456), section 2, definition of *Secretary*;

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- (k) Patents Ordinance (Cap. 514), sections 72E(6) and 72P(4);
  - (l) Copyright Ordinance (Cap. 528)—
    - (i) sections 46(1), 70(4), 83(3), 84(2), 119B(10) and (22), 121(16), 152, 171(1), (2) and (3), 189(2), 198(4) and 273H;
    - (ii) Schedule 2, paragraph 43;
  - (m) Prevention of Copyright Piracy Ordinance (Cap. 544), sections 38 and 39;
  - (n) Tung Chung Cable Car Ordinance (Cap. 577), section 2(1), definition of *Secretary*;
  - (o) Chemical Weapons (Convention) Ordinance (Cap. 578), section 40(1);
  - (p) Hong Kong Trade Development Council Ordinance (Cap. 1114), section 11(1)(b)(vi);
  - (q) Copyright (Amendment) Ordinance 2007 (15 of 2007), section 2(2)—

**Repeal**

“Secretary for Commerce and Economic Development”  
(wherever appearing)

**Substitute**

“Secretary for Commerce and Industries”.

- (2) Travel Agents Ordinance (Cap. 218), sections 32O and 53, headings—

**Repeal**

“Secretary for Commerce and Economic Development”

**Substitute**

“Secretary for Commerce and Industries”.



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## **Division 2—Transfer to Secretary for Technology and Communications**

### **1. “Secretary for Technology and Communications” substituted for “Secretary for Commerce and Economic Development”**

The following provisions—

- (a) Telecommunications Ordinance (Cap. 106), section 32U;
- (b) Control of Obscene and Indecent Articles Ordinance (Cap. 390), section 36B(1);
- (c) Film Censorship Ordinance (Cap. 392), section 2(1), definition of *Secretary*;
- (d) Electronic Transactions Ordinance (Cap. 553), section 2(1), definition of *Secretary*;
- (e) Broadcasting Ordinance (Cap. 562), Schedule 1, sections 15(6)(b)(ii) and 29(6)(b)(ii);
- (f) Unsolicited Electronic Messages Ordinance (Cap. 593), section 2(1), definition of *Secretary*;
- (g) Communications Authority Ordinance (Cap. 616), sections 4(3) and 23(2)(f)—

#### **Repeal**

“Secretary for Commerce and Economic Development”  
(wherever appearing)

#### **Substitute**

“Secretary for Technology and Communications”.

## **Division 3—Transfer to Secretary for Culture**

### **1. “Secretary for Culture” substituted for “Secretary for Commerce and Economic Development”**

Entertainment Special Effects Ordinance (Cap. 560), section 2, definition of *Secretary*—

**Repeal**

“Secretary for Commerce and Economic Development”

**Substitute**

“Secretary for Culture”.

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**Statutory functions presently exercisable by the Secretary for Commerce and Economic Development (SCED)  
which will be transferred to the Secretary for Commerce and Industries (SCI), Secretary for Technology and Communications (STC)  
and Secretary for Culture (S for C)**

**(I) Statutory functions to be transferred to SCI**

<b>The Resolution</b>	<b>Cap.</b>	<b>Description</b>	<b>Textual amendments provided for in the Resolution</b>
Section 1(1)(a) of Division 1 of Part 2 of Schedule 1	60 Import and Export Ordinance	<p>This ordinance is to provide for the regulation and control of the import and export of articles into or from Hong Kong, and the handling and carriage of articles within Hong Kong.</p> <p>Major function to be transferred from SCED to SCI is the power to amend Schedules 2 and 3.</p>	<p><u>English and Chinese texts</u></p> <p>Section 39(2) is amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”.</p>
Section 1(1)(b) of Division 1 of Part 2 of Schedule 1	109 Dutiable Commodities Ordinance	<p>This ordinance is to amend the law relating to the taxation and control of liquors, tobacco, hydrocarbon oil, methyl alcohol and other substances; and provides for the licensing of certain dealings in liquors.</p> <p>Major function to be transferred from SCED to SCI is the power to amend Schedules 1A and 1B.</p>	<p><u>English and Chinese texts</u></p> <p>Section 2(5) is amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(c) of Division 1 of Part 2 of Schedule 1	216 Consumer Council Ordinance	<p>This ordinance establishes the Consumer Council and defines its functions and powers.</p> <p>Major functions to be transferred from SCED to SCI are -</p> <ul style="list-style-type: none"> <li>■ to appoint a date before which the Consumer Council should send estimates of income and expenditure for the ensuing financial year to the Chief Executive for his approval together with a programme of its proposed activities for the ensuing financial year;</li> <li>■ to allow a further period for the Consumer Council to prepare a statement of the accounts of the Council;</li> <li>■ to give approval to the appointment of an auditor; and</li> <li>■ to allow a further period for the Consumer Council to furnish - <ul style="list-style-type: none"> <li>(a) a report on the affairs of the Council for that year;</li> <li>(b) a copy of its accounts therefor; and</li> <li>(c) the auditor’s report on the accounts.</li> </ul> </li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Commerce and Economic Development” / 商務及經濟發展局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長” —</p> <ul style="list-style-type: none"> <li>■ section 15;</li> <li>■ section 16(1);</li> <li>■ section 16(3); and</li> <li>■ section 16(5).</li> </ul>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Sections 1(1)(d) and 1(2) of Division 1 of Part 2 of Schedule 1	218 Travel Agents Ordinance	<p>The ordinance provides for the control and regulation of travel agents.</p> <p>Major functions to be transferred from SCED to SCI are –</p> <ul style="list-style-type: none"> <li>■ to be consulted by the Travel Industry Compensation Fund Management Board (TICFMB) before making rules under section 32G(2);</li> <li>■ to specify a percentage of the levy for purposes of payment into the Travel Industry Compensation Fund to which a travel agent shall be liable to contribute;</li> <li>■ to specify a percentage of the levy for purposes of payment to the Travel Industry Council to which a travel agent shall be liable to pay;</li> <li>■ to receive in each financial year the Travel Industry Council’s estimates of income and expenditure in respect of the next financial year;</li> <li>■ to appoint a date before which the Travel Industry Council shall forward its estimates of income and expenditure to him;</li> <li>■ to notify the Travel Industry Council in writing (either generally or as regards a particular financial year) that such reserves of the Travel Industry Council as specified by him (and which he may specify generally or with reference to a particular case, class or description) shall be excluded from</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長” —</p> <ul style="list-style-type: none"> <li>■ section 32G(2);</li> <li>■ section 32H(2)(c)(ii);</li> <li>■ section 32I (1)(b);</li> <li>■ section 32K(1);</li> <li>■ section 32K(2)(b);</li> <li>■ section 32L(5);</li> <li>■ section 32M(1);</li> <li>■ section 32M(3);</li> <li>■ section 32M(5);</li> <li>■ section 32N(2);</li> <li>■ the definition of “specified” in section 32N(4);</li> <li>■ the heading of section 32O;</li> <li>■ section 32O(1);</li> </ul>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
		<p>the application of section 32L(1), and any such reserves shall be so excluded;</p> <ul style="list-style-type: none"> <li>■ to require the TICFMB to arrange for such examination as he specifies to be carried out as regards the economy, efficiency and effectiveness with which the Travel Industry Council has used its resources;</li> <li>■ to approve the appointment of an auditor by the TICFMB to carry out the examinations of efficiency etc. with which the Travel Industry Council has used its resources;</li> <li>■ to receive from the TICFMB a copy of a written report by an auditor appointed by the TICFMB on the results of the examinations of efficiency etc. with which the Travel Industry Council has used its resource;</li> <li>■ to specify in writing a percentage at which the Travel Industry Council shall ensure that its recurrent expenditure is met out of its relevant income in any financial year;</li> <li>■ to give directions to the TICFMB relating to the performance of its functions or exercise of its powers;</li> <li>■ to allow the TICFMB to prepare in respect of a financial year, a statement of accounts of the TICFMB in a period longer than 4 months after the expiry of that financial year;</li> </ul>	<ul style="list-style-type: none"> <li>■ section 32P(1);</li> <li>■ section 32P(2);</li> <li>■ section 32Q;</li> <li>■ section 50(1);</li> <li>■ the heading of section 53; and</li> <li>■ section 53.</li> </ul>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
		<ul style="list-style-type: none"> <li>■ to approve the appointment of an auditor by the TICFMB;</li> <li>■ to allow the TICFMB to submit to him its annual report in a period longer than two months after receipt of the auditor's report in respect of its accounts for a particular financial year;</li> <li>■ to make regulations; and</li> <li>■ to amend Schedule 1 to the ordinance.</li> </ul>	
Section 1(1)(e) of Division 1 of Part 2 of Schedule 1	296 Reserved Commodities Ordinance	<p>This ordinance is to make provision with respect to reserved commodities.</p> <p>Major function to be transferred from SCED to SCI is the power to amend Schedules 1 and 2.</p>	<p><u>English and Chinese texts</u></p> <p>Section 2(3) is amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(f) of Division 1 of Part 2 of Schedule 1	302 Hong Kong Tourism Board Ordinance	<p>This ordinance is to establish the Hong Kong Tourism Board as a body corporate and to provide for its objects and powers; and for related matters.</p> <p>Major functions to be transferred from SCED to SCI are –</p> <ul style="list-style-type: none"> <li>■ to appoint a date that the Board shall forward to the Secretary, for the approval of the Chief Executive, a programme of its proposed activities and estimates of its income and expenditure for the next financial year;</li> <li>■ to approve major heads of the Board’s estimates; and</li> <li>■ to lay each year a copy of the report on the Board’s activities on the table of the Legislative Council.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長” —</p> <ul style="list-style-type: none"> <li>■ section 17B(1);</li> <li>■ section 17B(2)(b);</li> <li>■ section 17B(8); and</li> <li>■ section 19(2).</li> </ul>
Section 1(1)(g) of Division 1 of Part 2 of Schedule 1	362 Trade Descriptions Ordinance	<p>This ordinance seeks to prohibit the application of false trade descriptions and forged trade marks to goods.</p> <p>To be transferred from SCED to SCI is the power to amend Schedule 1 (providing for trade arrangements under which certain rules of origin are applicable in accordance with section 2A) and Schedule 2 (on the pieces of information that have to be provided in the supply of specified goods).</p>	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” in section 2(1) is amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”.</p>



The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(h) of Division 1 of Part 2 of Schedule 1	424 Toys and Children's Products Safety Ordinance	<p>This ordinance regulates the safety of toys and specified children's products.</p> <p>The functions to be transferred from SCED to SCI are –</p> <ul style="list-style-type: none"> <li>■ to amend safety standards specified for toys and children's products;</li> <li>■ to appoint members to the Appeal Board panel;</li> <li>■ to appoint an Appeal Board to hear appeals;</li> <li>■ to determine the rate of remuneration for Appeal Board panel members; and</li> <li>■ to make regulations to establish additional safety requirements and to provide for other matters for the better carrying out of the Ordinance.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” in section 2 is amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”.</p>
Section 1(1)(i) of Division 1 of Part 2 of Schedule 1	440 Bills of Lading Analogous Shipping Documents Ordinance	<p>This ordinance replaces the Bills of Lading Ordinance with new provisions with respect to bills of lading and certain other shipping documents.</p> <p>Major functions to be transferred from SCED to SCI are the powers to make provision, by way of regulation, for the application of the Ordinance to cases involving transactions effected by a telecommunications system or any other information technology and to determine modifications to be made, by way of regulation, in connection with the application of the Ordinance.</p>	<p><u>English and Chinese texts</u></p> <p>The following provisions are amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”—</p> <ul style="list-style-type: none"> <li>■ section 7(1); and</li> <li>■ section 7(2)(a).</li> </ul>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(j) of Division 1 of Part 2 of Schedule 1	456 Consumer Goods Safety Ordinance	<p>This Ordinance regulates the safety of general consumer goods.</p> <p>The functions to be transferred from SCED to SCI are —</p> <ul style="list-style-type: none"> <li>■ to make regulations establishing specific safety standards or specifications;</li> <li>■ to appoint members to the Appeal Board panel;</li> <li>■ to appoint an Appeal Board to hear appeals; and</li> <li>■ to determine the rate of remuneration for Appeal Board panel members.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” in section 2 is amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”.</p>
Section 1(1)(k) of Division 1 of Part 2 of Schedule 1	514 Patents Ordinance	<p>This ordinance makes new provision in respect of patents and related matters in substitution of the Registration of Patents Ordinance that was repealed on 27 June 1997.</p> <p>The function to be transferred from SCED to SCI is the power to vary the percentage specified in section 72E(4) in relation to the maximum amount of remuneration payable to proprietor(s) of patent(s) in respect of the grant of an import compulsory licence under section 72C during a period of extreme urgency and the percentage specified in section 72P(3) in relation to the maximum amount of remuneration payable to proprietor(s) of patent(s) in respect of the grant of an export compulsory licence under section 72M.</p>	<p><u>English and Chinese texts</u></p> <p>The following provisions are amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” wherever it appears and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”—</p> <ul style="list-style-type: none"> <li>■ section 72E(6); and</li> <li>■ section 72P(4).</li> </ul>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(l) of Division 1 of Part 2 of Schedule 1	528 Copyright Ordinance	<p>This ordinance makes provisions in respect of copyright and related rights and for connected purposes.</p> <p>Major functions to be transferred from SCED to SCI are –</p> <ul style="list-style-type: none"> <li>■ power to prescribe conditions and to specify libraries or archives for the exercise of the permitted acts by librarians and archivists;</li> <li>■ power to designate bodies for maintaining an archive of recordings of folksongs and to prescribe conditions for the provision of the recordings to other persons;</li> <li>■ power to designate bodies for provision of sub-titled copies of broadcast or cable programme to people with special needs;</li> <li>■ power to designate classes of broadcast or cable programme that could be recorded for archiving purposes and bodies for maintaining the archive;</li> <li>■ power to designate libraries or archives eligible for the exemption of the copying and distribution offence under section 119B(6) and (7) to prescribe conditions for compliance by the libraries or archives so designated; to amend Schedules 1AA and 1AB (circumstances in which section 119B(1) does not apply);</li> <li>■ power to prescribe Copyright Registers by way of regulation;</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following provisions are amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” wherever it appears and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”—</p> <ul style="list-style-type: none"> <li>■ section 46(1);</li> <li>■ section 70(4);</li> <li>■ section 83(3);</li> <li>■ section 84(2);</li> <li>■ section 119B(10);</li> <li>■ section 119B(22);</li> <li>■ section 121(16);</li> <li>■ section 152;</li> <li>■ section 171(1);</li> <li>■ section 171(2);</li> <li>■ section 171(3);</li> <li>■ section 189(2);</li> <li>■ section 198(4);</li> </ul>

<b>The Resolution</b>	<b>Cap.</b>	<b>Description</b>	<b>Textual amendments provided for in the Resolution</b>
		<ul style="list-style-type: none"> <li>■ power to prescribe fees for the application for registration of licensing bodies and for renewal of registration and to provide for the better carrying into effect of the registration system by way of regulation;</li> <li>■ power to appoint staff for the Copyright Tribunal and to determine remuneration for such staff;</li> <li>■ power to designate bodies for protection and enforcement of copyright in anonymous unpublished works;</li> <li>■ power to publish in the Gazette, amend Schedule 1A – Bodies and Authorities specified for purposes of Definition of “Specified Course of Study”(section 198(4)); and</li> <li>■ power to publish in the Gazette, exclude from the application of any provisions 273A, 273B, 273C and 273G any work or performance, class of works or performances or class of devices, products, components, means of services (section 273H).</li> </ul>	<ul style="list-style-type: none"> <li>■ section 273H; and</li> <li>■ paragraph 43 of Schedule 2.</li> </ul>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(m) of Division 1 of Part 2 of Schedule 1	544 Prevention of Copyright Piracy Ordinance	<p>This ordinance makes further provision for the prevention of copyright piracy.</p> <p>Major functions to be transferred from SCED to SCI are –</p> <ul style="list-style-type: none"> <li>■ power to make regulations, including for the better carrying into effect of the provisions of the Ordinance; and</li> <li>■ power to amend Schedules 1 and 2 (optical discs and fees).</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following provisions are amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” wherever it appears and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”—</p> <ul style="list-style-type: none"> <li>■ section 38; and</li> <li>■ section 39.</li> </ul>
Section 1(1)(n) of Division 1 of Part 2 of Schedule 1	577 Tung Chung Cable Car Ordinance	<p>This ordinance provides for regulation to grant and regulate a franchise for the operation of a Cable Car System linking Tung Chung and Ngong Ping on Lantau Island, to grant ancillary rights, to provide for the payment of royalty, and to provide for related matters.</p> <p>Major functions to be transferred from SCED to SCI are the powers to –</p> <ul style="list-style-type: none"> <li>■ serve a notice on intention to revoke franchise; and</li> <li>■ initiate the procedure for imposing a financial penalty on the franchisee if the franchisee persistently fails to comply with any requirement of this Ordinance or is in substantial breach of the Project Agreement.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The definition “Secretary” in section 2(1) is amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(o) of Division 1 of Part 2 of Schedule 1	578 Chemical Weapons (Convention) Ordinance	<p>This ordinance is to promote the control of chemical weapons and of certain chemicals capable of being used as chemical weapons, and for matters related thereto or connected therewith.</p> <p>Major function to be transferred from SCED to SCI is the power to amend Schedules 1, 2 or 3 of the Ordinance to effect changes made to the Convention under Article XV of the Convention.</p>	<p><u>English and Chinese texts</u></p> <p>Section 40(1) is amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”.</p>
Section 1(1)(p) of Division 1 of Part 2 of Schedule 1	1114 Hong Kong Trade Development Council Ordinance	<p>This ordinance is to provide for the establishment of the Hong Kong Trade Development Council, to define its powers and functions, and to provide for matters connected therewith or incidental thereto.</p> <p>Major function to be transferred from SCED to SCI is the function to serve as the ex officio member of the Council.</p>	<p><u>English and Chinese texts</u></p> <p>Section 11(1)(b)(vi) is amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”.</p>
Section 1(1)(q) of Division 1 of Part 2 of Schedule 1	Copyright (Amendment) Ordinance 2007 (15 of 2007)	<p>This ordinance amends the Copyright Ordinance to make provisions or further provisions for, amongst others, the rental right of copyright owners in respect of comic books.</p> <p>Major function to be transferred from SCED to SCI is –</p> <ul style="list-style-type: none"> <li>■ power to bring into operation of section 6(1) of the Copyright Amendment Ordinance 2007 (insofar as it relates to section 25(1)(e) and (f), (2) and (4).</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following provision is amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” wherever it appears and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”—</p> <ul style="list-style-type: none"> <li>■ section 2 (2).</li> </ul>

**(II) Statutory functions to be transferred to STC**

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(a) of Division 2 of Part 2 of Schedule 1	106 Telecommunications Ordinance	<p>This ordinance is to make better provision for the licensing and control of telecommunications, telecommunications services and telecommunications apparatus and equipment.</p> <p>Major functions to be transferred from SCED to STC are –</p> <ul style="list-style-type: none"> <li>■ power to make rules relating to appeals;</li> <li>■ power to issue order to the Communications Authority;</li> <li>■ power to make regulations; and</li> <li>■ power to amend the Schedule to the ordinance.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>Section 32U is amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” and substituting “Secretary for Technology and Communications” / “科技及通訊局局長”.</p>
Section 1(b) of Division 2 of Part 2 of Schedule 1	390 Control of Obscene and Indecent Articles Ordinance	<p>This ordinance is to control articles which consist of or contain material that is obscene or indecent (including material that is violent, depraved or repulsive), to establish tribunals to determine whether an article is obscene or indecent, or whether matter publicly displayed is indecent, and to classify articles as obscene or indecent or neither obscene nor indecent, and for matters incidental thereto.</p> <p>Major function to be transferred from SCED to STC is the power to appoint public officers who may authorize any public officer to be an inspector for the purposes of this ordinance.</p>	<p><u>English and Chinese texts</u></p> <p>Section 36B(1) is amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發局局長” and substituting “Secretary for Technology and Communications” / “科技及通訊局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(c) of Division 2 of Part 2 of Schedule 1	392 Film Censorship Ordinance	<p>This ordinance is to provide for the establishment of a Film Censorship Authority, a panel of censors and a panel of advisers, and for regulating and imposing restrictions on the exhibition of films and on the publication of films of certain descriptions; for the approval and classification of films; for the establishment of a Board of Review; for the creation of offences; to make consequential and other amendments to other Ordinances; and for matters connected therewith.</p> <p>Major functions to be transferred from SCED to STC are –</p> <ul style="list-style-type: none"> <li>■ power and functions relating to appeals against the decision of the Film Censorship Authority or censor;</li> <li>■ power to publish guidelines for censors;</li> <li>■ power to make regulations; and</li> <li>■ duty to serve as the ex-officio member of the Board of Review.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” / “局長” in section 2(1) is amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” and substituting “Secretary for Technology and Communications” / “科技及通訊局局長”.</p>
Section 1(d) of Division 2 of Part 2 of Schedule 1	553 Electronic Transactions Ordinance	<p>This ordinance facilitates the use of electronic transactions for commercial and other purposes, provides for matters arising from and related to such use, enables the Postmaster General to provide the services of a certification authority, and provides for connected purposes.</p> <p>Major functions to be transferred from SCED to STC are –</p> <ul style="list-style-type: none"> <li>■ power and functions relating to appeals against the decisions of the Government Chief Information Officer;</li> <li>■ power to make regulations; and</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” / “局長” in section 2(1) is amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” and substituting “Secretary for Technology and Communications” / “科技及通訊局局長” .</p>



The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
		<ul style="list-style-type: none"> <li>■ power to amend Schedules.</li> </ul>	
Section 1(e) of Division 2 of Part 2 of Schedule 1	562 Broadcasting Ordinance	<p>This ordinance is to license companies to provide broadcasting services, to regulate the provision of broadcasting services by licensees, and to provide for matters incidental thereto or connected therewith.</p> <p>Major function to be transferred from SCED to STC is the power to receive confidential information from Licensees.</p>	<p><u>English and Chinese texts</u></p> <p>The following provisions are amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” wherever it appears and substituting “Secretary for Technology and Communications” / “科技及通訊局局長” -</p> <ul style="list-style-type: none"> <li>■ Schedule 1, section 15(6)(b)(ii); and</li> <li>■ Schedule 1, section 29(6)(b)(ii).</li> </ul>
Section 1(f) of Division 2 of Part 2 of Schedule 1	593 Unsolicited Electronic Messages Ordinance	<p>This Ordinance is to provide for the regulation of the sending of unsolicited electronic messages and for connected purposes.</p> <p>Major functions to be transferred from SCED to STC are –</p> <ul style="list-style-type: none"> <li>■ power to make rules relating to appeals;</li> <li>■ power to make regulations; and</li> <li>■ power to amend the Schedule to the ordinance.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” / “局長” in section 2(1) is amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” and substituting “Secretary for Technology and Communications” / “科技及通訊局局長”.</p>

<b>The Resolution</b>	<b>Cap.</b>	<b>Description</b>	<b>Textual amendments provided for in the Resolution</b>
Section 1(g) of Division 2 of Part 2 of Schedule 1	616 Communications Authority Ordinance	<p>This ordinance is to establish the Communications Authority; to transfer the functions of the Broadcasting Authority and the Telecommunications Authority to the Communications Authority; to dissolve the Broadcasting Authority; and to provide for incidental and connected matters.</p> <p>Major functions to be transferred from SCED to STC are –</p> <ul style="list-style-type: none"> <li>■ the rights to receive advice from the Communications Authority on any legislation, legislative proposals and regulatory policies relating to telecommunications, broadcasting, anti-spamming or activities connected with the telecommunications or broadcasting sectors; and</li> <li>■ the power to receive confidential information from the Communications Authority.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following provisions are amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” wherever it appears and substituting “Secretary for Technology and Communications” / “科技及通訊局局長”—</p> <ul style="list-style-type: none"> <li>■ section 4(3); and</li> <li>■ section 23(2)(f)</li> </ul>

**(III) Statutory functions to be transferred to S for C**

<b>The Resolution</b>	<b>Cap.</b>	<b>Description</b>	<b>Textual amendments provided for in the Resolution</b>
Section 1 of Division 3 of Part 2 of Schedule 1	560 Entertainment Special Effects Ordinance	<p>This ordinance is to provide for the regulation of the supply, use, conveyance and storage of special effects materials for and incidental to the production of special effects in entertainment programmes.</p> <p>Major functions to be transferred from SCED to S for C are –</p> <ul style="list-style-type: none"> <li>■ power to approve regulations made by the Entertainment Special Effects Licensing Authority;</li> <li>■ power and functions relating to appointment of the Appeal Board panel and chairman of appeal boards;</li> <li>■ power and functions relating to appeals against the decisions of the Entertainment Special Effects Licensing Authority; and</li> <li>■ power to amend Schedules to the Ordinance.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” / “局長” in section 2 is amended by repealing “Secretary for Commerce and Economic Development” / “商務及經濟發展局局長” and substituting “Secretary for Culture” / “文化局局長”.</p>

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**Statutory functions presently exercisable by  
the Permanent Secretary for Commerce and Economic Development (Communications and Technology)  
which will be transferred to the Permanent Secretary for Technology and Communications**

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Paragraph (1)(b)	553  Electronic Transactions Ordinance	<p>This ordinance facilitates the use of electronic transactions for commercial and other purposes, provides for matters arising from and related to such use, enables the Postmaster General to provide the services of a certification authority, and provides for connected purposes.</p> <p>The major functions to be transferred from the Permanent Secretary for Commerce and Economic Development (Communications and Technology) to Permanent Secretary for Technology and Communications are :</p> <ul style="list-style-type: none"> <li>■ the power to make orders to exclude an Ordinance or a particular requirement or permission in an Ordinance or a class or description of requirements or permissions in an Ordinance from the application of sections 5, 6, 7 or 8 of the Ordinance; and</li> <li>■ the power to specify by notice published in the Gazette the manner and format in which information in the form of an electronic record is to be given, presented or retained or a document in the form of an electronic record is to be served, and the procedure and criteria for verification of the receipt of that information and for ensuring the integrity and confidentiality of the information.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The definition of “Permanent Secretary” / “常任秘書長” in section 2(1) is amended by repealing “Permanent Secretary for Commerce and Economic Development (Communications and Technology)” / “商務及經濟發展局常任秘書長(通訊及科技)” and substituting “Permanent Secretary for Technology and Communications” / “科技及通訊局常任秘書長” .</p>