

**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 Development**

Introduction

This paper sets out the transfer of statutory functions currently exercisable by the Secretary for Development (SDEV) to the Secretary for Housing, Planning and Lands (SHPL), the Secretary for Transport and Works (STW) 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 Development Bureau (DEVB) (less policy responsibilities on heritage preservation) and the existing Transport and Housing Bureau (less policy responsibilities on the maritime, air and logistics industries) should be restructured into two new bureaux, namely the Housing, Planning and Lands Bureau and the Transport and Works 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)). To implement the new organisation structure with effect from 1 July 2012, the relevant statutory functions vested in SDEV need to be transferred to SHPL, STW and S for C.

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 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). Paragraph (1)(c) of and Schedule 2 to the Resolution, at **Annex A**, provide for the transfer of statutory functions of the relevant public officers pursuant to the restructuring of the DEVB.

4. 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.

5. A summary of the statutory functions of SDEV under existing legislation to be transferred to the relevant public officers and textual amendments to the relevant ordinances is at **Annex B**.

Advice Sought

6. Members are invited to consider paragraph (1)(c) of and Schedule 2 to the Resolution.

Constitutional and Mainland Affairs Bureau
Development Bureau
May 2012

Interpretation and General Clauses Ordinance

Resolution

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

Resolved that—

(1) with effect from 1 July 2012—

- (c) the functions exercisable by the Secretary for Development under each enactment specified in column 2 of Part 1 of Schedule 2 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 2 be amended as set out in that Part;
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Schedule 2

[para. (1)(c)]

Transfer of Functions of Secretary for Development**Part 1****Enactments and Public Officers****Division 1—Planning and Lands**

Item	Enactment under which functions are transferred	Public officer to whom functions are transferred
1.	High Court Ordinance (Cap. 4)	Secretary for Housing, Planning and Lands
2.	Buildings Ordinance (Cap. 123)	Secretary for Housing, Planning and Lands
3.	Town Planning Ordinance (Cap. 131)	Secretary for Housing, Planning and Lands
4.	Aerial Ropeways (Safety) Ordinance (Cap. 211)	Secretary for Transport and Works
5.	Eastern Harbour Crossing Ordinance (Cap. 215)	Secretary for Housing, Planning and Lands
6.	Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301)	Secretary for Housing, Planning and Lands
7.	Lifts and Escalators (Safety) Ordinance (Cap. 327)	Secretary for Transport and Works

Item	Enactment under which functions are transferred	Public officer to whom functions are transferred
8.	District Court Ordinance (Cap. 336)	Secretary for Housing, Planning and Lands
9.	Electricity Networks (Statutory Easements) Ordinance (Cap. 357)	Secretary for Housing, Planning and Lands
10.	Tate's Cairn Tunnel Ordinance (Cap. 393)	Secretary for Housing, Planning and Lands
11.	Western Harbour Crossing Ordinance (Cap. 436)	Secretary for Housing, Planning and Lands
12.	Registrar General (Establishment) (Transfer of Functions and Repeal) Ordinance (Cap. 439)	Secretary for Housing, Planning and Lands
13.	Land Survey Ordinance (Cap. 473)	Secretary for Housing, Planning and Lands
14.	Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474)	Secretary for Housing, Planning and Lands
15.	Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545)	Secretary for Housing, Planning and Lands
16.	Urban Renewal Authority Ordinance (Cap. 563)	Secretary for Housing, Planning and Lands
17.	Land Titles Ordinance (Cap. 585)	Secretary for Housing, Planning and Lands

Item	Enactment under which functions are transferred	Public officer to whom functions are transferred
18.	Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613)	Secretary for Housing, Planning and Lands
19.	Buildings (Amendment) Ordinance 2011 (16 of 2011)	Secretary for Housing, Planning and Lands
20.	Lifts and Escalators Ordinance (8 of 2012)	Secretary for Transport and Works
21.	Lifts and Escalators (General) Regulation (L.N. 75 of 2012)	Secretary for Transport and Works
22.	Lifts and Escalators (Fees) Regulation (L.N. 76 of 2012)	Secretary for Transport and Works

Division 2—Works

Item	Enactment under which functions are transferred	Public officer to whom functions are transferred
1.	Land (Miscellaneous Provisions) Ordinance (Cap. 28)	Secretary for Transport and Works
2.	Antiquities and Monuments Ordinance (Cap. 53)	Secretary for Culture
3.	Defences (Firing Areas) Ordinance (Cap. 196)	Secretary for Housing, Planning and Lands

Item	Enactment under which functions are transferred	Public officer to whom functions are transferred
4.	Architects Registration Ordinance (Cap. 408)	Secretary for Transport and Works
5.	Engineers Registration Ordinance (Cap. 409)	Secretary for Transport and Works
6.	Surveyors Registration Ordinance (Cap. 417)	Secretary for Transport and Works
7.	Planners Registration Ordinance (Cap. 418)	Secretary for Transport and Works
8.	Land Drainage Ordinance (Cap. 446)	Secretary for Transport and Works
9.	Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap. 470)	Secretary for Transport and Works
10.	Landscape Architects Registration Ordinance (Cap. 516)	Secretary for Transport and Works
11.	Construction Workers Registration Ordinance (Cap. 583)	Secretary for Transport and Works
12.	Construction Industry Council Ordinance (Cap. 587)	Secretary for Transport and Works

Part 2

Amendments Effecting Transfer

Division 1—Planning and Lands

Subdivision 1—Transfer to Secretary for Housing, Planning and Lands

1. **Amendments to transfer functions to Secretary for Housing, Planning and Lands**
 - (1) The following provisions—
 - (a) High Court Ordinance (Cap. 4), section 21F(3A);
 - (b) Buildings Ordinance (Cap. 123), section 2(1), definition of *Secretary*;
 - (c) Town Planning Ordinance (Cap. 131), sections 14(2) and 24(1);
 - (d) Eastern Harbour Crossing Ordinance (Cap. 215), section 21(3);
 - (e) Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301), section 2(1), definition of *Secretary*;
 - (f) District Court Ordinance (Cap. 336), section 69(3A);
 - (g) Electricity Networks (Statutory Easements) Ordinance (Cap. 357), sections 2 (definition of *approved scheme*), 3(1), 7(1) and 9(2), (3) and (4);
 - (h) Tate's Cairn Tunnel Ordinance (Cap. 393), section 16(3);
 - (i) Western Harbour Crossing Ordinance (Cap. 436), section 15(2);
 - (j) Registrar General (Establishment) (Transfer of Functions and Repeal) Ordinance (Cap. 439), section 31;

- (k) Land Survey Ordinance (Cap. 473), section 2, definition of *Secretary*;
- (l) Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474), section 15(2);
- (m) Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545), section 12(1);
- (n) Urban Renewal Authority Ordinance (Cap. 563), sections 2 (definition of *Secretary*) and 36(10);
- (o) Land Titles Ordinance (Cap. 585), sections 1(2) and 2(1) (definition of *Secretary*);
- (p) Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613), section 7(3)(c)(i);
- (q) Buildings (Amendment) Ordinance 2011 (16 of 2011), section 2—

Repeal

“Secretary for Development” (wherever appearing)

Substitute

“Secretary for Housing, Planning and Lands”.

- (2) Town Planning Ordinance (Cap. 131), Chinese text, section 24(2) and (3)—

Repeal

“發展局局長”

Substitute

“房屋規劃地政局局長”.

2. Amendment to Specification of Public Offices

Specification of Public Offices (Cap. 1 sub. leg. C), the Schedule, column 1, opposite to “Buildings Ordinance (Cap. 123).” in column 2—

Repeal

“Secretary for Development”

Substitute

“Secretary for Housing, Planning and Lands”.

Subdivision 2—Transfer to Secretary for Transport and Works

3. “Secretary for Transport and Works” substituted for “Secretary for Development”

The following provisions—

- (a) Aerial Ropeways (Safety) Ordinance (Cap. 211), section 28(1);
- (b) Lifts and Escalators (Safety) Ordinance (Cap. 327), section 2(1), definition of *Secretary*;
- (c) Lifts and Escalators Ordinance (8 of 2012), sections 1(2) and 2(1) (definition of *Secretary*);
- (d) Lifts and Escalators (General) Regulation (L.N. 75 of 2012), section 1;
- (e) Lifts and Escalators (Fees) Regulation (L.N. 76 of 2012), section 1—

Repeal

“Secretary for Development” (wherever appearing)

Substitute

“Secretary for Transport and Works”.

Division 2—Works

Subdivision 1—Transfer to Secretary for Transport and Works

1. “Secretary for Transport and Works” substituted for “Secretary for Development”

- (1) The following provisions—

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- (a) Land (Miscellaneous Provisions) Ordinance (Cap. 28), sections 2A(3)(a), (4), (5) and (6), 8(1) (definition of *Secretary*) and 18(1A);
 - (b) Architects Registration Ordinance (Cap. 408), section 7(6);
 - (c) Engineers Registration Ordinance (Cap. 409), section 6(6);
 - (d) Surveyors Registration Ordinance (Cap. 417), section 6(6);
 - (e) Planners Registration Ordinance (Cap. 418), section 6(6);
 - (f) Land Drainage Ordinance (Cap. 446), section 2, definition of *Secretary*;
 - (g) Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap. 470), section 2(1), definition of *Secretary*;
 - (h) Landscape Architects Registration Ordinance (Cap. 516), section 6(6);
 - (i) Construction Workers Registration Ordinance (Cap. 583), sections 1(2) and 2(1) (definition of *Secretary*);
 - (j) Construction Industry Council Ordinance (Cap. 587), section 2(1), definition of *Secretary*—

Repeal

“Secretary for Development” (wherever appearing)

Substitute

“Secretary for Transport and Works”.

- (2) Land (Miscellaneous Provisions) Ordinance (Cap. 28), section 18, heading—

Repeal

“Secretary for Development”

Substitute

“Secretary for Transport and Works”.

Subdivision 2—Transfer to Secretary for Culture

2. **“Secretary for Culture” substituted for “Secretary for Development”**

Antiquities and Monuments Ordinance (Cap. 53), section 2, definition of *Authority*—

Repeal

“Secretary for Development”

Substitute

“Secretary for Culture”.

Subdivision 3—Transfer to Secretary for Housing, Planning and Lands

3. **“Secretary for Housing, Planning and Lands” substituted for “Secretary for Development”**

Defences (Firing Areas) Ordinance (Cap. 196), Second Schedule—

Repeal

“Secretary for Development”

Substitute

“Secretary for Housing, Planning and Lands”.

**Statutory functions presently exercisable by the Secretary for Development (SDEV)
which will be transferred to the Secretary for Housing, Planning and Lands (SHPL),
the Secretary for Transport and Works (STW) and the Secretary for Culture (S for C)**

(I) Statutory functions transferred to SHPL

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(a) of Division 1 of Part 2 of Schedule 2	4 High Court Ordinance	<p>This ordinance is to amend and consolidate the law relating to the constitution, jurisdiction, practice and powers of the High Court and the administration of justice therein and for matters ancillary thereto and connected therewith.</p> <p>Major function to be transferred from SDEV to SHPL is the power to amend the number of days for possession of the land to be given to the lessor in the case of application for a relief against forfeiture by action of non-payment of rent.</p>	<p><u>English and Chinese texts</u></p> <p>Section 21F(3A) is amended by repealing “Secretary for Development” / “發展局局長” and substituting “Secretary for Housing, Planning and Lands” / “房屋規劃地政局局長”</p>
Section 1(1)(b) of Division 1 of Part 2 of Schedule 2	123 Buildings Ordinance	<p>This ordinance provides for the planning, design and construction of buildings and associated works; and for the rendering safe of dangerous buildings and land.</p> <p>Major functions to be transferred from SDEV to SHPL are:</p> <ul style="list-style-type: none"> ■ powers relating to appointment of disciplinary boards; ■ power to make regulations; ■ power to issue technical memoranda, publish the technical memoranda in the Gazette and cause them to be laid on the table of the Legislative Council after publication; and ■ power to appoint secretary to the Appeal Tribunal. 	<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 Development” / “發展局局長” and substituting “Secretary for Housing, Planning and Lands” / “房屋規劃地政局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
<p>Sections 1(1)(c) and 1(2) of Division 1 of Part 2 of Schedule 2</p>	<p>131 Town Planning Ordinance</p>	<p>This ordinance provides for the systematic preparation and approval of plans for the lay-out of areas of Hong Kong as well as for the types of building suitable for erection therein and for the preparation and approval of plans for areas within which permission is required for development in order to promote the health, safety, convenience and general welfare of the community.</p> <p>Major function to be transferred from SDEV to SHPL is the powers and functions to prescribe fees for the plans submitted to the Town Planning Board, and on matters relating to review of the decision of the Authority (Director of Planning).</p>	<p><u>English and Chinese texts</u></p> <p>The following provisions are amended by repealing “Secretary for Development” / “發展局局長” wherever it appears and substituting “Secretary for Housing, Planning and Lands” / “房屋規劃地政局局長”-</p> <ul style="list-style-type: none"> ■ section 14(2); and ■ section 24(1). <p><u>Chinese text</u></p> <p>The following provisions are amended by repealing “發展局局長” wherever it appears and substituting “房屋規劃地政局局長”-</p> <ul style="list-style-type: none"> ■ section 24(2); and ■ section 24(3).

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(d) of Division 1 of Part 2 of Schedule 2	215 Eastern Harbour Crossing Ordinance	<p>The ordinance is to grant franchises for the construction of a combined road and rail tunnel across the eastern harbour, for the construction of a railway line through the tunnel and of other railway works and the regulation of the construction and maintenance of the works to be constructed; for the payment of tolls to the franchise holder for the use by motor vehicles of the tunnel and the regulation of vehicular traffic in relation to such use; for the transfer by the franchise holder of its right to operate the railway line to the Mass Transit Railway Corporation, and for matters ancillary thereto and connected therewith.</p> <p>Major function to be transferred from SDEV to SHPL is the power to apply the Buildings Ordinance to any of the construction works.</p>	<p><u>English and Chinese texts</u></p> <p>Section 21(3) is amended by repealing “Secretary for Development” / “發展局局長” wherever it appears and substituting “Secretary for Housing, Planning and Lands” / “房屋規劃地政局局長”.</p>
Section 1(1)(e) of Division 1 of Part 2 of Schedule 2	301 Hong Kong Airport (Control of Obstructions) Ordinance	<p>This ordinance provides for the restriction and, where necessary, the reduction of heights of buildings in the interest of the safety of aircraft, for the control of lighting, for the erection or provision and the maintenance of aids to air navigation, and for the assessment and payment of compensation in respect of damage suffered on account thereof.</p> <p>Major functions to be transferred from SDEV to SHPL are:</p> <ul style="list-style-type: none"> ■ Powers relating to issuing orders to prescribe areas within which no building shall exceed the height specified for the purpose of section 3; ■ Power to order provision of marks, lights and beacons for the safety of aircrafts; and ■ Power to extend period for making claims for compensation under this ordinance. 	<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 Development” / “發展局局長” and substituting “Secretary for Housing, Planning and Lands” / “房屋規劃地政局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(f) of Division 1 of Part 2 of Schedule 2	336 District Court Ordinance	<p>To establish a court, having limited civil and criminal jurisdiction, to be known as the District Court, and to make provision for the jurisdiction, procedure and practice thereof and for purposes connected with the matters aforesaid.</p> <p>Major functions to be transferred from SDEV to SHPL is the power to amend the number of days for possession of the land to be given to the lessor in the case of application for a relief against forfeiture by action for non-payment of rent.</p>	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” / “局長” in section 69(3A) is amended by repealing “Secretary for Development” / “發展局局長” and substituting “Secretary for Housing, Planning and Lands” / “房屋規劃地政局局長”.</p>
Section 1(1)(g) of Division 1 of Part 2 of Schedule 2	357 Electricity Networks (Statutory Easements) Ordinance	<p>This ordinance provides for the creation of easements in and over land in favour of certain undertakings which generate, transmit or distribute electricity.</p> <p>Major functions to be transferred from SDEV to SHPL are:</p> <ul style="list-style-type: none"> ■ power to approve terms of a scheme for the purpose of section 3(1); ■ powers and functions on matters relating to rectification of approved schemes; and ■ powers and functions relating to the handling of objections lodged by the owner of any land against the exercise of any right by a power company. 	<p><u>English and Chinese texts</u></p> <p>The following provisions are amended by repealing “Secretary for Development” / “發展局局長” wherever it appears and substituting “Secretary for Housing, Planning and Lands” / “房屋規劃地政局局長”-</p> <ul style="list-style-type: none"> ■ the definition of “approved scheme” / “獲准計劃” in section 2; ■ section 3(1); ■ section 7 (1) ■ section 9(2); ■ section 9(3); and ■ section 9(4).

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(h) of Division 1 of Part 2 of Schedule 2	393 Tate's Cairn Tunnel Ordinance	<p>This ordinance is to grant a franchise for the construction of a road tunnel through Tate's Cairn; for the payment of a royalty for such franchise; for the maintenance of the works to be constructed; for the payment of tolls to the franchise holder for the use by motor vehicles of the tunnel and the regulation of vehicular traffic in relation to such use; and for matters ancillary thereto and connected therewith.</p> <p>Major function to be transferred from SDEV to SHPL is the power to apply the Buildings Ordinance to any of the construction works.</p>	<p><u>English and Chinese texts</u></p> <p>Section 16(3) is amended by repealing "Secretary for Development" / "發展局局長" and substituting "Secretary for Housing, Planning and Lands" / "房屋規劃地政局局長".</p>
Section 1(1)(i) of Division 1 of Part 2 of Schedule 2	436 Western Harbour Crossing Ordinance	<p>This is an ordinance to grant a franchise for the construction and operation of a crossing between West Kowloon Reclamation and Sai Ying Pun. It provides for the maintenance of the works within the tunnel area, the payment of tolls to the franchise holder for the use of the tunnel by motor vehicles and the regulation of vehicular traffic in relation to such use.</p> <p>Major function to be transferred from SDEV to SHPL is the power to apply the Buildings Ordinance to any of the construction works.</p>	<p><u>English and Chinese texts</u></p> <p>Section 15(2) is amended by repealing "Secretary for Development" / "發展局局長" and substituting "Secretary for Housing, Planning and Lands" / "房屋規劃地政局局長".</p>
Section 1(1)(j) of Division 1 of Part 2 of Schedule 2	439 Registrar General (Establishment) (Transfer of Functions and Repeal) Ordinance	<p>This ordinance provides for the amendment of Ordinances consequential on the transfer of the functions of the Registrar General and certain functions of the Land Officer and the change of title of the Land Officer and the Land Office to Land Registrar and Land Registry respectively and for the repeal of the Registrar General (Establishment) Ordinance (Cap. 100).</p> <p>Major function to be transferred from SDEV to SHPL is the power to repeal references to "Registrar General", "Registrar General (Land Officer)", "Land Officer" and "Land Office"</p>	<p><u>English and Chinese texts</u></p> <p>Section 31 is amended by repealing "Secretary for Development" / "發展局局長" and substituting "Secretary for Housing, Planning and Lands" / "房屋規劃地政局局長".</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
		by notice in Gazette.	
Section 1(1)(k) of Division 1 of Part 2 of Schedule 2	473 Land Survey Ordinance	<p>This ordinance provides for the registration and discipline of land surveyors engaged in land boundary surveys, for the control of the standards of land boundary surveys and for the establishment of land boundary records.</p> <p>Major functions to be transferred from SDEV to SHPL are:</p> <ul style="list-style-type: none"> ■ powers to appoint the Land Surveyors Registration Committee ■ power to appoint a disciplinary board upon a referral or a complaint made under section 21 of this ordinance; ■ powers and functions relating to the appointment of disciplinary board panels and the disciplinary proceedings; and ■ power to make regulations. 	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” / “局長” in section 2 is amended by repealing “Secretary for Development” / “發展局局長” and substituting “Secretary for Housing, Planning and Lands” / “房屋規劃地政局局長”.</p>
Section 1(1)(l) of Division 1 of Part 2 of Schedule 2	474 Tai Lam Tunnel and Yuen Long Approach Road Ordinance	<p>This is an ordinance to grant a franchise for the design, construction and operation of a tunnel and associated roads linking Ting Kau to Au Tau. It provides for the maintenance of the works within the area subject to the franchise, the payment of tolls to the franchise holder for the use of that area by motor vehicles and the regulation of vehicular traffic in relation to such use.</p> <p>Major function to be transferred from SDEV to SHPL is the power to apply the Buildings Ordinance to any of the construction works.</p>	<p><u>English and Chinese texts</u></p> <p>Section 15(2) is amended by repealing “Secretary for Development” / “發展局局長” and substituting “Secretary for Housing, Planning and Lands” / “房屋規劃地政局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(m) of Division 1 of Part 2 of Schedule 2	545 Land (Compulsory Sale for Redevelopment) Ordinance	<p>This ordinance enables persons who own a specified majority of the undivided shares in a lot to make an application to the Lands Tribunal for an order for the sale of all of the undivided shares in the lot for the purposes of the redevelopment of the lot; and enables the Lands Tribunal to make such an order if specified criteria are met; and for matters connected therewith.</p> <p>Major function to be transferred from SDEV to SHPL is the power to make regulations.</p>	<p><u>English and Chinese texts</u></p> <p>Section 12(1) is amended by repealing “Secretary for Development” / “發展局局長” and substituting “Secretary for Housing, Planning and Lands” / “房屋規劃地政局局長”.</p>
Section 1(1)(n) of Division 1 of Part 2 of Schedule 2	563 Urban Renewal Authority Ordinance	<p>This ordinance provides for the establishment of the Urban Renewal Authority for the purpose of carrying out urban renewal and for connected purposes.</p> <p>Major functions to be transferred from SDEV to SHPL are :</p> <ul style="list-style-type: none"> ■ powers and functions on matters relating to the preparation, finalisation, revision and amendment to an urban renewal strategy; ■ powers and functions on matters relating to the authorisation of development projects under section 24 of the ordinance; ■ powers and functions on matters relating to appeals against the decisions of the Secretary made under section 24 of the ordinance; ■ powers and functions on matters relating to the resumption and disposal of land; ■ power to enter, or to authorise any person to enter any land or premises on it situated within the boundaries of a development scheme or a development project for the purpose of preparing an assessment on the likely effect 	<p><u>English and Chinese texts</u></p> <p>The following provisions are amended by repealing “Secretary for Development” / “發展局局長” wherever it appears and substituting “Secretary for Housing, Planning and Lands” / “房屋規劃地政局局長” –</p> <ul style="list-style-type: none"> ■ the definition of “Secretary” / “局長” in section 2; and ■ section 36(10).

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
		<p>to be brought about by the implementation of a development scheme or a development project;</p> <ul style="list-style-type: none"> ■ power to obtain information from the Urban Renewal Authority; ■ power to treat sections of the repealed Land Development Corporation Ordinance (Cap 15) as having no application and functions of the Secretary under the repealed Land Development Corporation Ordinance (Cap 15). 	
Section 1(1)(o) of Division 1 of Part 2 of Schedule 2	585 Land Titles Ordinance	<p>This ordinance is to provide for a system of registration of title to land, and to provide for matters incidental thereto or connected therewith.</p> <p>Major functions to be transferred from SDEV to SHPL are:</p> <ul style="list-style-type: none"> ■ the powers to amend the Schedules on the provisions in relation to conversion from a land registration system to a title registration system; ■ the power to appoint a date for commencement of the ordinance; and ■ the power to make regulations. 	<p><u>English and Chinese texts</u></p> <p>The following provisions are amended by repealing “Secretary for Development” / “發展局局長” wherever it appears and substituting “Secretary for Housing, Planning and Lands” / “房屋規劃地政局局長” –</p> <ul style="list-style-type: none"> ■ section 1(2); and ■ the definition of “Secretary” / “局長” in section 2(1).
Section 1(1)(p) of Division 1 of Part 2 of Schedule 2	613 Residential Care Homes (Persons with Disabilities) Ordinance	<p>This ordinance regulates residential care homes for persons with disabilities through a licensing system.</p> <p>Major function to be transferred from SDEV to SHPL is the power to make regulations under section 38 of the Buildings Ordinance, a power which is made reference to in Section 7(3)(c)(i) of the Residential Care Homes (Persons with Disabilities) Ordinance.</p>	<p><u>English and Chinese texts</u></p> <p>Section 7(3)(c)(i) is amended by repealing “Secretary for Development” / “發展局局長” and substituting “Secretary for Housing, Planning and Lands” / “房屋規劃地政局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(q) of Division 1 of Part 2 of Schedule 2	Buildings (Amendment) Ordinance 2011 (16 of 2011)	<p>This ordinance amends the Buildings Ordinance to provide for matters relating to the regular inspections of buildings and the associated repairs under the Mandatory Building Inspection Scheme and Mandatory Window Inspection Scheme to prevent the buildings from becoming unsafe.</p> <p>Major function to be transferred from SDEV to SHPL is the power to appoint a date for commencement of certain sections that have yet to take effect.</p>	<p><u>English and Chinese texts</u></p> <p>Section 2 is amended by repealing “Secretary for Development” / “發展局局長” and substituting “Secretary for Housing, Planning and Lands” / “房屋規劃地政局局長”.</p>
Section 2 of Division 1 of Part 2 of Schedule 2	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 SDEV to SHPL is the power to delegate to any public officer his/her functions provided for in the Buildings Ordinance (Cap. 123).</p>	<p><u>English and Chinese texts</u></p> <p>The Schedule is amended by repealing “Secretary for Development” / “發展局局長” and substituting “Secretary for Housing, Planning and Lands” / “房屋規劃地政局局長” in column 1, opposite to “Buildings Ordinance (Cap. 123).” in column 2.</p>
Section 3 of Division 2 of Part 2 of Schedule 2	196 Defences (Firing Areas) Ordinance	<p>This ordinance regulates practice firing within firing areas and for clearing of firing areas.</p> <p>Major function to be transferred from SDEV to SHPL is the function of being one of those persons who are supplied with programmes, notices and charts under this ordinance.</p>	<p><u>English and Chinese texts</u></p> <p>Second Schedule is amended by repealing “Secretary for Development” / “發展局局長” and substituting “Secretary for Housing, Planning and Lands” / “房屋規劃地政局局長”.</p>

(II) Transfer of statutory functions to STW

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 3(a) of Division 1 of Part 2 of Schedule 2	211 Aerial Ropeways (Safety) Ordinance	<p>This ordinance provides for the design, manufacture and installation of aerial ropeways, the regulation of the operation and maintenance of aerial ropeways, and the avoidance of dangerous conduct in relation thereto.</p> <p>Major function to be transferred from SDEV to STW is the power to make regulations.</p>	<p><u>English and Chinese texts</u></p> <p>Section 28(1) is amended by repealing “Secretary for Development” / “發展局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>
Section 3(b) of Division 1 of Part 2 of Schedule 2	327 Lifts and Escalators (Safety) Ordinance	<p>This ordinance provides for the design and construction, and the maintenance in safe working order of lifts and escalators, and for the examination and testing thereof.</p> <p>Major functions to be transferred from SDEV to STW are:</p> <ul style="list-style-type: none"> ■ power to appoint disciplinary board upon the receipt of notice under sections 9 and 11G; ■ power and functions relating to the appointment of the disciplinary board panel; ■ power to appoint an appeal board upon the receipt of notice under sections 6, 11C and 15; and ■ power and functions relating to the appointment of the appeal board panel. 	<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 Development” / “發展局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 3(c) of Division 1 of Part 2 of Schedule 2	8 of 2012 Lifts and Escalators Ordinance	<p>This ordinance provides for the safety of lifts and escalators, including the registration of contractors, engineers and workers for the purposes of carrying out lift works and escalator works; and provides for consequential, incidental and related matters.</p> <p>Major functions to be transferred from SDEV to STW are:</p> <ul style="list-style-type: none"> ■ power to appoint a day on which the Lifts and Escalators Ordinance (8 of 2012) comes into operation; ■ function to deal with cases of contravention by public officers; ■ power to appoint a person to be the Registrar of Registered Contractors, Engineers and Workers (Lifts and Escalators) for the purposes of the Lifts and Escalators Ordinance (8 of 2012); ■ power to appoint disciplinary board upon the receipt of complaint under section 109; ■ power and functions relating to the appointment of the disciplinary board panel; ■ power to appoint an appeal board upon the receipt of notice under section 117; ■ power and functions relating to the appointment of the appeal board panel; ■ power to make regulations for the better carrying out of the provisions of the Lifts and Escalators Ordinance (8 of 2012) and for prescribing the fees payable under the Lifts and Escalators Ordinance; and ■ power to amend Schedules, other than Schedules 15 and 16. 	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” / “局長” in sections 1(2) and 2(1) are amended by repealing “Secretary for Development” / “發展局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 3(d) of Division 1 of Part 2 of Schedule 2	L.N. 75 of 2012 Lifts and Escalators (General) Regulation [undergoing negative vetting]	<p>This regulation is made for the better carrying out of the provisions of the Lifts and Escalators Ordinance (8 of 2012).</p> <p>The function to be transferred from SDEV to STW is to appoint a day on which the regulation comes into operation.</p>	<p><u>English and Chinese texts</u></p> <p>Section 1 is amended by repealing “Secretary for Development” / “發展局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>
Section 3(e) of Division 1 of Part 2 of Schedule 2	L.N. 76 of 2012 Lifts and Escalators (Fees) Regulation [undergoing negative vetting]	<p>This regulation is made prescribing the fees payable under the Lifts and Escalators Ordinance (8 of 2012).</p> <p>The function to be transferred from SDEV to STW is to appoint a day on which the regulation comes into operation.</p>	<p><u>English and Chinese texts</u></p> <p>Section 1 is amended by repealing “Secretary for Development” / “發展局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>
Sections 1(1)(a) and 1(2) of Division 2 of Part 2 of Schedule 2	28 Land (Miscellaneous Provisions) Ordinance	<p>This ordinance provides for matters relating to Government Land.</p> <p>Major function to be transferred from SDEV to STW is the function to deal with cases of contravention by public officers.</p>	<p><u>English and Chinese texts</u></p> <p>In the following provisions by repealing “Secretary for Development” / “發展局局長” wherever it appears and substituting “Secretary for Transport and Works” / “運輸及工務局局長”</p> <ul style="list-style-type: none"> ■ section 2A(3)(a), ■ section 2A(4), ■ section 2A(5), ■ section 2A(6), ■ section 8(1) (definition of

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
			<p>“Secretary” / “局長”) and</p> <ul style="list-style-type: none"> ■ section 18(1A). <p>In the heading of section 18 by repealing “Secretary for Development” / “發展局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>
Section 1(1)(b) of Division 2 of Part 2 of Schedule 2	408 Architects Registration Ordinance	<p>This ordinance provides for the registration of architects and disciplinary control of the professional activities of registered architects.</p> <p>Major function to be transferred from SDEV to STW is the function to receive rules made by the Architects Registration Board.</p>	<p><u>English and Chinese texts</u></p> <p>Section 7(6) is amended by repealing “Secretary for Development” / “發展局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>
Section 1(1)(c) of Division 2 of Part 2 of Schedule 2	409 Engineers Registration Ordinance	<p>This ordinance provides for the registration of professional engineers, the recognition of disciplines within the profession and disciplinary control of the professional activities of registered professional engineers.</p> <p>Major function to be transferred from SDEV to STW is the function to receive rules made by the Engineers Registration Board.</p>	<p><u>English and Chinese texts</u></p> <p>Section 6(6) is amended by repealing “Secretary for Development” / “發展局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(d) of Division 2 of Part 2 of Schedule 2	417 Surveyors Registration Ordinance	<p>This ordinance provides for the registration of professional surveyors, the recognition of divisions within the profession and disciplinary control of the professional activities of registered professional surveyors.</p> <p>Major function to be transferred from SDEV to STW is the function to receive rules made by the Surveyors Registration Board.</p>	<p><u>English and Chinese texts</u></p> <p>Section 6(6) is amended by repealing “Secretary for Development” / “發展局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>
Section 1(1)(e) of Division 2 of Part 2 of Schedule 2	418 Planners Registration Ordinance	<p>This ordinance provides for the registration of planners and disciplinary control of the professional activities of registered professional planners.</p> <p>Major function to be transferred from SDEV to STW is the function to receive rules made by the Planners Registration Board.</p>	<p><u>English and Chinese texts</u></p> <p>Section 6(6) is amended by repealing “Secretary for Development” / “發展局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>
Section 1(1)(f) of Division 2 of Part 2 of Schedule 2	446 Land Drainage Ordinance	<p>This ordinance provides for the constitution of Drainage Authority Areas and the carrying out of drainage works within such areas and for connected matters.</p> <p>Major functions to be transferred from SDEV to STW are:</p> <ul style="list-style-type: none"> ■ power to direct preparation of draft plans; ■ functions on matters relating to replacement of plans; ■ powers and functions on matters relating to appeals; ■ powers and functions on matters relating to submission of draft plans to the Chief Executive in Council and the subsequent arrangements; ■ function relating to the deposit of approved plans in the Land Registry; 	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary”/ “局長” in section 2 is amended by repealing “Secretary for Development” / “發展局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
		<ul style="list-style-type: none"> ■ powers and functions on matters relating to resumption of land on application; and ■ power to make regulations. 	
Section 1(1)(g) of Division 2 of Part 2 of Schedule 2	470 Builders' Lifts and Tower Working Platforms (Safety) Ordinance	<p>This ordinance provides for the design, construction, installation and maintenance in safety working order of builders' lifts and tower working platforms, and for the examination and testing of such lifts and platforms.</p> <p>Major functions to be transferred from SDEV to STW are:</p> <ul style="list-style-type: none"> ■ powers relating to the hearing of any matter by a disciplinary tribunal; and ■ powers relating to the appointment of members to a disciplinary tribunal, a disciplinary tribunal panel, an appeal board and an appeal board panel. 	<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 Development" / "發展局局長" and substituting "Secretary for Transport and Works" / "運輸及工務局局長".</p>
Section 1(1)(h) of Division 2 of Part 2 of Schedule 2	516 Landscape Architects Registration Ordinance	<p>This ordinance provides for the registration of professional landscape architects and disciplinary control of the professional activities of registered professional landscape architects.</p> <p>Major function to be transferred from SDEV to STW is the function to receive rules made by the Landscape Architects Registration Board.</p>	<p><u>English and Chinese texts</u></p> <p>Section 6(6) is amended by repealing "Secretary for Development" / "發展局局長" and substituting "Secretary for Transport and Works" / "運輸及工務局局長".</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(i) of Division 2 of Part 2 of Schedule 2	583 Construction Workers Registration Ordinance	<p>This ordinance provides for the registration of construction workers; the establishment of a Construction Workers Registration Authority; a levy to be paid by contractors in respect of construction operations; the regulation of construction workers personally carrying out construction work; and for related matters.</p> <p>Major functions to be transferred from SDEV to STW are:</p> <ul style="list-style-type: none"> ■ the power to appoint the commencement of the ordinance by notice published in the Gazette; ■ to be a member of the “Construction Workers Registration Authority” and to appoint other members of the Authority; ■ to receive reports on the activities of the Construction Workers Registration Authority, Statements of accounts of the Authority and auditor’s report on the Statements; ■ to approve the authorised officer, levy inspector and Registrar of Construction Workers under the ordinance; ■ to publish in Gazette the rate of the levy under the ordinance; ■ to receive notice of appeal; ■ to appoint an Appeal Board Panel and a Construction Workers Appeal Board and make other appointments for related matters; ■ to approve regulations made by the Authority; and ■ to amend the Schedules to the ordinance. 	<p><u>English and Chinese texts</u></p> <p>The following provisions are amended by repealing “Secretary for Development” / “發展局局長” wherever it appears and substituting “Secretary for Transport and Works” / “運輸及工務局局長” –</p> <ul style="list-style-type: none"> ■ section 1(2); ■ the definition of “Secretary” / “局長” in section 2(1).

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(j) of Division 2 of Part 2 of Schedule 2	587 Construction Industry Council Ordinance	<p>This Ordinance provides for:</p> <ul style="list-style-type: none"> ■ the establishment of the Construction Industry Council (CIC) as a statutory body; ■ the functions and management of the CIC; ■ a levy to be paid by contractors in the construction industry in respect of construction operations; ■ the repeal of the Industry Training (Construction Industry) Ordinance; ■ the dissolution of the Construction Industry Training Authority; ■ the vesting of the rights, assets, liabilities and obligations of the Construction Industry Training Authority in the CIC; ■ corresponding amendments to the Pneumoconiosis (Compensation) Ordinance and the Pneumoconiosis (Compensation) (Assessment of Levy) Regulations in respect of the construction industry levy scheme under that Ordinance; and ■ other consequential and related matters. 	<p><u>English and Chinese texts</u></p> <p>The following provisions are amended by repealing “Secretary for Development” / “發展局局長” wherever it appears and substituting “Secretary for Transport and Works” / “運輸及工務局局長” –</p> <ul style="list-style-type: none"> ■ the definition of “Secretary” / “局長” in section 2(1).

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
		<p>Major functions to be transferred from SDEV to STW are:</p> <ul style="list-style-type: none">■ the power to appoint the Chairman and Members of the Council;■ the power to determine the term of office of the Chairman and Members;■ the power to receive notice of resignation of Members and to terminate the appointment of an appointed Member;■ the power to approve a period to be the financial year of the Council and to receive a programme of its proposed activities and estimates of its income and expenditure for the next financial year;■ the power to receive reports, etc. from the Council; and■ the power to make regulations and to amend Schedules.	

(III) Transfer of statutory functions to S for C

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 2 of Division 2 of Part 2 of Schedule 2	53 Antiquities and Monuments Ordinance	<p>This ordinance provides for the preservation of objects of historical, archaeological and palaeontological interest and for matters ancillary thereto or connected therewith. Major functions to be transferred from SDEV to S for C are:</p> <ul style="list-style-type: none"> ■ To declare a place, building, site or structure to be a proposed monument, proposed historical building, or proposed archaeological or palaeontological site or structure; ■ To extend the period of proposed monument declaration; ■ To accept and refuse an application for withdrawal of declaration of proposed monument; ■ To declare a place, building, site or structure to be a monument, historical building or archaeological or palaeontological site or structure; ■ To serve notice in writing of the Authority's intention to declare a monument within private land; ■ To exercise control of monuments as specified in section 5 of the ordinance; ■ To grant permit for excavating, carrying on building or other works, planting or felling trees or depositing earth or refuse on or in a proposed monument or monument; or demolishing, removing, obstructing, defacing or interfering with a proposed monument or monument; 	<p><u>English and Chinese texts</u></p> <p>Section 2, definition of Authority (主管當局), is amended by repealing “Secretary for Development” / “發展局局長” and substituting “Secretary for Culture” / “文化局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
		<ul style="list-style-type: none">■ To declare any proposed monument or monument to be exempt from section 6 of the ordinance;■ To grant a sum which the Authority thinks fit to a person who proposes to carry out work for the maintenance, preservation or restoration of a monument;■ To pay compensation to the owner or lawful occupier of a proposed monument or monument in respect of financial loss suffered or likely to be suffered by reasons as specified in section 8 of the ordinance;■ To disclaim ownership of a relic discovered;■ To award to a person who makes a report on the discovery of antiquity or supposed antiquity; and■ To grant licence to excavate and search for antiquities and cancel such licence.	