

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—
 - (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”;
 - (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;
 - (d) the functions exercisable by the Secretary for Home Affairs under each enactment specified in column 2 of Part 1 of Schedule 3 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 3 be amended as set out in that Part;
 - (e) the functions exercisable by the Deputy Secretary for Home Affairs (Culture and Sport) under the Lord Wilson Heritage Trust Ordinance (Cap. 425) be transferred to the Secretary for Culture, and to give full effect to the transfer, that Ordinance be amended in section 7(2)(b) by repealing “Deputy Secretary for Home Affairs (Culture and Sport)” and substituting “Secretary for Culture”;
 - (f) the functions exercisable by the Secretary for Transport and Housing under each enactment specified in column 2 of Part 1 of Schedule 4 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 4 be amended as set out in that Part;
 - (g) the functions exercisable by the Secretary for Transport under the Peak Tramway Ordinance (Cap. 265) be transferred to the Secretary for Transport and Works, and to give full effect to the transfer, that Ordinance be amended in section 2A(5) by repealing “Secretary for Transport” and substituting “Secretary for Transport and Works”; and
- (2) in addition to and without derogating from section 23 of the Interpretation and General Clauses Ordinance (Cap. 1)—

- (a) anything lawfully done before 1 July 2012 by or in relation to a public officer from whom any function is transferred under this Resolution (*former officer*) pursuant to or in connection with that function is to on and from that date be regarded, in so far as necessary for the purpose or in consequence of that transfer, as done by or in relation to, as the case may be, the public officer to whom that function is transferred (*new officer*);
- (b) anything that, immediately before 1 July 2012, may be done and is in the process of being done by or in relation to a former officer pursuant to or in connection with any function transferred under this Resolution may on and from that date be continued by or in relation to, as the case may be, the new officer;
- (c) anything that, immediately before 1 July 2012, is required to be done and is in the process of being done by or in relation to a former officer pursuant to or in connection with any function transferred under this Resolution is to on and from that date be continued by or in relation to, as the case may be, the new officer;
- (d) without limiting subparagraphs (a), (b) and (c)—
 - (i) any document, agreement or arrangement creating or giving rise to legal rights or obligations that—
 - (A) refers to a former officer, or was prepared, made or entered into by a former officer on behalf of the Government; and
 - (B) is in force immediately before, or is to come into force on or after, 1 July 2012,
 is to on and from that date be construed, in so far as necessary for the purpose or in consequence of the transfer of function under this Resolution from the former officer to the new officer, as if the references to the former officer included references to the new officer;

- (ii) in any legal proceedings—
 - (A) in which a former officer is a party; and
 - (B) that are subsisting immediately before 1 July 2012,
 the new officer is to on and from that date substitute for the former officer as that party;
- (iii) any—
 - (A) right of appeal against a decision of a former officer; or
 - (B) right to have the decision reviewed,
 that is subsisting immediately before 1 July 2012 may on and from that date be exercised as if the decision were a decision of the new officer;
- (iv) any right of appeal to a former officer that is subsisting immediately before 1 July 2012 is to be treated on and from that date as being a right of appeal to the new officer;
- (v) any right to have anything reviewed by a former officer that is subsisting immediately before 1 July 2012 is to be treated on and from that date as being a right to have that thing reviewed by the new officer;
- (vi) any form that is specified or prescribed before 1 July 2012 for use in connection with any function of a former officer that is transferred under this Resolution may on and from that date be used despite the fact that it contains references to the former officer, and those references are to be construed as references to the new officer;
- (e) without limiting subparagraphs (a), (b) and (c), any document, agreement or arrangement that—
 - (i) contains any reference to a public officer or a policy bureau specified in column 1 of Schedule 5;

- (ii) was prepared, made or entered into by any public officer on behalf of the Government;
- (iii) does not create or give rise to any legal right or obligation; and
- (iv) is in force immediately before, or is to come into force on or after, 1 July 2012,

is to on and from that date have effect as if the reference is substituted by a reference to the public officer or policy bureau specified opposite to that officer or bureau in column 2 of Schedule 5 in so far as the substitution is necessary for or conducive to the attainment of the purposes of the document, agreement or arrangement.

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

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

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*;

- (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”.

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”.

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—

- (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”.

Schedule 3

[para. (1)(d)]

Transfer of Functions of Secretary for Home Affairs

Part 1

Enactments and Public Officers

Item	Enactment under which functions are transferred	Public officer to whom functions are transferred
1.	Public Health and Municipal Services Ordinance (Cap. 132)	Secretary for Culture
2.	Books Registration Ordinance (Cap. 142)	Secretary for Culture
3.	Lord Wilson Heritage Trust Ordinance (Cap. 425)	Secretary for Culture
4.	Hong Kong Arts Development Council Ordinance (Cap. 472)	Secretary for Culture
5.	West Kowloon Cultural District Authority Ordinance (Cap. 601)	Secretary for Culture

Part 2

Amendments Effecting Transfer to Secretary for Culture

1. **“Secretary for Culture” substituted for “Secretary for Home Affairs”**

(1) The following provisions—

- (a) Lord Wilson Heritage Trust Ordinance (Cap. 425), section 4(2)(b);
- (b) Hong Kong Arts Development Council Ordinance (Cap. 472), section 3(3)(d);
- (c) West Kowloon Cultural District Authority Ordinance (Cap. 601), sections 32(1), 33(1) and 36(1)—

Repeal

“Secretary for Home Affairs” (wherever appearing)

Substitute

“Secretary for Culture”.

- (2) West Kowloon Cultural District Authority Ordinance (Cap. 601), section 36, heading—

Repeal

“Secretary for Home Affairs”

Substitute

“Secretary for Culture”.

2. **Amendments to transfer functions under Public Health and Municipal Services Ordinance**

- (1) Public Health and Municipal Services Ordinance (Cap. 132), section 124J, heading—

Repeal

“Schedule 16”

Substitute

“Schedules 16 and 17”.

- (2) Public Health and Municipal Services Ordinance (Cap. 132), section 124J(1)—

Repeal

“provide for”

Substitute

“prescribe”.

- (3) Public Health and Municipal Services Ordinance (Cap. 132), after section 124J(1)—

Add

“(1A) The Authority may by regulation prescribe the fees and charges payable by an individual as a member of the public in connection with the matters specified in Schedule 17.”.

- (4) Public Health and Municipal Services Ordinance (Cap. 132), section 124J(2)—

Repeal

“subsection (1)”

Substitute

“subsections (1) and (1A)”.

- (5) Public Health and Municipal Services Ordinance (Cap. 132), section 124J(2)(a) and (b), after “Schedule 16”—

Add

“or 17”.

- (6) Public Health and Municipal Services Ordinance (Cap. 132), section 124J—

Repeal subsection (3)

Substitute

- “(3) Different fees and charges may be prescribed under subsection (1) or (1A) for persons or cases of different classes or descriptions.”.
- (7) Public Health and Municipal Services Ordinance (Cap. 132), after section 124J(4)—
Add
“(4A) The Authority may by order published in the Gazette amend Schedule 17.”.
- (8) Public Health and Municipal Services Ordinance (Cap. 132), section 124J(5), after “subsection (4)”—
Add
“or (4A)”.
- (9) Public Health and Municipal Services Ordinance (Cap. 132), section 124K(1), after “section 124J(1)”—
Add
“and (1A)”.
- (10) Public Health and Municipal Services Ordinance (Cap. 132), Third Schedule, entries relating to sections 105I, 105L and 105O—
Repeal
“Secretary for Home Affairs”
Substitute
“Secretary for Culture”.
- (11) Public Health and Municipal Services Ordinance (Cap. 132), Third Schedule—
Repeal the entry relating to section 124J
Substitute
“124J(1) and (4) Secretary for Home Affairs
124J(1A) and (4A) Secretary for Culture”.

- (12) Public Health and Municipal Services Ordinance (Cap. 132), Schedule 16, heading—
Repeal
“by Regulation Provide for”
Substitute
“Prescribe”.
- (13) Public Health and Municipal Services Ordinance (Cap. 132), Schedule 16—
Repeal
“[s. 124J]”
Substitute
“[s. 124J(1), (2)(a) & (b) & (4)]”.
- (14) Public Health and Municipal Services Ordinance (Cap. 132), Schedule 16—
Repeal items 2 and 3.
- (15) Public Health and Municipal Services Ordinance (Cap. 132), after Schedule 16—
Add
“Schedule 17 [s. 124J(1A),
(2)(a) & (b) &
(4A)]

**Matters for which Secretary for Culture may
Prescribe Fees and Charges**

1. Museums
Admission
2. Libraries

Admission”.

3. Amendments to transfer functions under Books Registration Ordinance

- (1) Books Registration Ordinance (Cap. 142), section 2—

Repeal the definition of *Secretary*

Substitute

“*Secretary* (局長) means the Secretary for Culture.”.

- (2) Books Registration Ordinance (Cap. 142), Chinese text, section 3, heading—

Repeal

“民政事務局”.

- (3) Books Registration Ordinance (Cap. 142), Chinese text, sections 3(1) and (2), 4 and 5(1) and (2)—

Repeal

“民政事務局” (wherever appearing).

- (4) Books Registration Ordinance (Cap. 142), sections 4 and 5(1)—

Repeal

“to him”.

4. Amendments to transfer functions under West Kowloon Cultural District Authority Ordinance

- (1) West Kowloon Cultural District Authority Ordinance (Cap. 601), after section 21(13)—

Add

- “(14) In relation to a development plan prepared on or after 1 July 2012, subsections (3), (4) and (5) have effect as if any reference to the Secretary for Home Affairs in those subsections was substituted by a reference to the Secretary for Culture.”.

- (2) West Kowloon Cultural District Authority Ordinance (Cap. 601), section 34(2)(e)(i) and (ii)—

Repeal

“to the Secretary for Home Affairs”.

Schedule 4 [para. (1)(f)]

Transfer of Functions of Secretary for Transport and Housing

Part 1

Enactments and Public Officers

Division 1—Housing

Item	Enactment under which functions are transferred	Public officer to whom functions are transferred
1.	Housing Ordinance (Cap. 283)	Secretary for Housing, Planning and Lands
2.	Estate Agents Ordinance (Cap. 511)	Secretary for Housing, Planning and Lands

Division 2—Transport (Except Air and Maritime Services)

Item	Enactment under which functions are transferred	Public officer to whom functions are transferred
1.	Lands Tribunal Rules (Cap. 17 sub. leg. A)	Secretary for Transport and Works
2.	Ferry Services Ordinance (Cap. 104)	Secretary for Transport and Works

Item	Enactment under which functions are transferred	Public officer to whom functions are transferred
3.	Tramway Regulations (Cap. 107 sub. leg. B)	Secretary for Transport and Works
4.	Eastern Harbour Crossing Ordinance (Cap. 215)	Secretary for Transport and Works
5.	Public Bus Services Ordinance (Cap. 230)	Secretary for Transport and Works
6.	Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237)	Secretary for Transport and Works
7.	Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240)	Secretary for Transport and Works
8.	Peak Tramway Ordinance (Cap. 265)	Secretary for Transport and Works
9.	Peak Tramway (Safety) Regulations (Cap. 265 sub. leg. A)	Secretary for Transport and Works
10.	Roads (Works, Use and Compensation) Ordinance (Cap. 370)	Secretary for Transport and Works
11.	Kowloon-Canton Railway Corporation Ordinance (Cap. 372)	Secretary for Transport and Works
12.	Kowloon-Canton Railway Corporation Regulations (Cap. 372 sub. leg. A)	Secretary for Transport and Works

Item	Enactment under which functions are transferred	Public officer to whom functions are transferred
13.	Road Traffic Ordinance (Cap. 374)	Secretary for Transport and Works
14.	Tate's Caim Tunnel Ordinance (Cap. 393)	Secretary for Transport and Works
15.	Western Harbour Crossing Ordinance (Cap. 436)	Secretary for Transport and Works
16.	Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474)	Secretary for Transport and Works
17.	Airport Authority (Automated People Mover) (Safety) Regulation (Cap. 483 sub. leg. C)	Secretary for Transport and Works
18.	Tsing Ma Control Area Ordinance (Cap. 498)	Secretary for Transport and Works
19.	Railways Ordinance (Cap. 519)	Secretary for Transport and Works
20.	Discovery Bay Tunnel Link Ordinance (Cap. 520)	Secretary for Transport and Works
21.	Mass Transit Railway Ordinance (Cap. 556)	Secretary for Transport and Works
22.	Tsing Sha Control Area Ordinance (Cap. 594)	Secretary for Transport and Works

Item	Enactment under which functions are transferred	Public officer to whom functions are transferred
23.	Road Traffic (Amendment) Ordinance 2011 (24 of 2011)	Secretary for Transport and Works
24.	Road Traffic (Amendment) Ordinance 2012 (6 of 2012)	Secretary for Transport and Works

Division 3—Air and Maritime Services

Item	Enactment under which functions are transferred	Public officer to whom functions are transferred
1.	Port Control (Cargo Working Areas) Ordinance (Cap. 81)	Secretary for Commerce and Industries
2.	Merchant Shipping Ordinance (Cap. 281)	Secretary for Commerce and Industries
3.	Shipping and Port Control Ordinance (Cap. 313)	Secretary for Commerce and Industries
4.	Merchant Shipping (Safety) Ordinance (Cap. 369)	Secretary for Commerce and Industries
5.	Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413)	Secretary for Commerce and Industries
6.	Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413 sub. leg. A)	Secretary for Commerce and Industries

Item	Enactment under which functions are transferred	Public officer to whom functions are transferred
7.	Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations (Cap. 413 sub. leg. B)	Secretary for Commerce and Industries
8.	Merchant Shipping (BCH Code) Regulations (Cap. 413 sub. leg. D)	Secretary for Commerce and Industries
9.	Merchant Shipping (IBC Code) Regulations (Cap. 413 sub. leg. E)	Secretary for Commerce and Industries
10.	Hong Kong Civil Aviation (Investigation of Accidents) Regulations (Cap. 448 sub. leg. B)	Secretary for Commerce and Industries
11.	Merchant Shipping (Seafarers) Ordinance (Cap. 478)	Secretary for Commerce and Industries
12.	Freight Containers (Safety) Ordinance (Cap. 506)	Secretary for Commerce and Industries
13.	Merchant Shipping (Local Vessels) Ordinance (Cap. 548)	Secretary for Commerce and Industries
14.	Merchant Shipping (Security of Ships and Port Facilities) Ordinance (Cap. 582)	Secretary for Commerce and Industries
15.	Sailors Home and Missions to Seamen Incorporation Ordinance (Cap. 1042)	Secretary for Commerce and Industries

Item	Enactment under which functions are transferred	Public officer to whom functions are transferred
16.	Merchant Shipping (Limitation of Shipowners Liability) (Amendment) Ordinance 2005 (1 of 2005)	Secretary for Commerce and Industries
17.	Merchant Shipping (Safety) (Amendment) Ordinance 2009 (10 of 2009)	Secretary for Commerce and Industries
18.	Air Transport (Licensing of Air Services) (Amendment) Regulation 2011 (L.N. 158 of 2011)	Secretary for Commerce and Industries

Part 2

Amendments Effecting Transfer

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

1. **“Secretary for Housing, Planning and Lands”** substituted for **“Secretary for Transport and Housing”**
The following provisions—
 - (a) Housing Ordinance (Cap. 283), sections 14(4) and 15(2);
 - (b) Estate Agents Ordinance (Cap. 511), sections 1(2) and 2(1) (definition of *Secretary*)—

Repeal
“Secretary for Transport and Housing” (wherever appearing)

Substitute
“Secretary for Housing, Planning and Lands”.

Division 2—Transfer to Secretary for Transport and Works

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

(1) The following provisions—

- (a) Lands Tribunal Rules (Cap. 17 sub. leg. A), Schedule, Forms 10 and 11;
- (b) Ferry Services Ordinance (Cap. 104), sections 22(2), 28(7)(a) and (b) and 41(1);
- (c) Tramway Regulations (Cap. 107 sub. leg. B), regulation 2, definition of *Secretary*;
- (d) Eastern Harbour Crossing Ordinance (Cap. 215), section 2(1), definition of *Secretary*;
- (e) Public Bus Services Ordinance (Cap. 230), sections 6(2A), 12A(1), (2), (3) and (4), 33(1) and 35(1);
- (f) Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237), section 25;
- (g) Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240), section 11;
- (h) Roads (Works, Use and Compensation) Ordinance (Cap. 370), section 2(1), definition of *Secretary*;
- (i) Kowloon-Canton Railway Corporation Ordinance (Cap. 372)—
 - (i) sections 4(1)(a) and 30(1);
 - (ii) Second Schedule, paragraph 8, proviso;
 - (iii) Second Schedule, paragraph 14;
 - (iv) Third Schedule, paragraphs 1(2) and 2;
- (j) Kowloon-Canton Railway Corporation Regulations (Cap. 372 sub. leg. A), regulation 1A, definition of *Secretary*;

- (k) Road Traffic Ordinance (Cap. 374), section 2, definition of *Secretary*;
- (l) Tate’s Cairn Tunnel Ordinance (Cap. 393), section 2(1), definition of *Secretary*;
- (m) Western Harbour Crossing Ordinance (Cap. 436), sections 2(1) (definition of *Secretary*) and 38(2)(b);
- (n) Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474), sections 2(1) (definition of *Secretary*), 17(1) and 32(3)(b);
- (o) Airport Authority (Automated People Mover) (Safety) Regulation (Cap. 483 sub. leg. C), sections 1 (definition of *automated people mover premises*, paragraph (b)), 5(1) and (2), 6(1), (3) and (4) and 11;
- (p) Tsing Ma Control Area Ordinance (Cap. 498), section 2, definition of *Secretary*;
- (q) Railways Ordinance (Cap. 519), section 2, definition of *Secretary*;
- (r) Discovery Bay Tunnel Link Ordinance (Cap. 520), section 2(1), definition of *Secretary*;
- (s) Mass Transit Railway Ordinance (Cap. 556), section 2(1), definition of *Secretary*;
- (t) Tsing Sha Control Area Ordinance (Cap. 594), section 2(1), definition of *Secretary*;
- (u) Road Traffic (Amendment) Ordinance 2011 (24 of 2011), section 1(2);
- (v) Road Traffic (Amendment) Ordinance 2012 (6 of 2012), section 1(3)—

Repeal

“Secretary for Transport and Housing” (wherever appearing)

Substitute

“Secretary for Transport and Works”.

- (2) The following provisions—
- (a) Public Bus Services Ordinance (Cap. 230), section 35, heading;
 - (b) Airport Authority (Automated People Mover) (Safety) Regulation (Cap. 483 sub. leg. C), section 6, heading—

Repeal

“Secretary for Transport and Housing” (wherever appearing)

Substitute

“Secretary for Transport and Works”.

2. Amendments to Specification of Public Offices

Specification of Public Offices (Cap. 1 sub. leg. C), the Schedule, column 1—

- (a) opposite to “Eastern Harbour Crossing Ordinance (Chapter 215).” in column 2;
- (b) opposite to “Roads (Works, Use and Compensation) Ordinance (Chapter 370).” in column 2;
- (c) opposite to “Tate’s Cairn Tunnel Ordinance (Chapter 393).” in column 2—

Repeal

“Secretary for Transport and Housing”

Substitute

“Secretary for Transport and Works”.

3. Amendments to transfer functions under Peak Tramway Ordinance and its subsidiary legislation

- (1) Peak Tramway Ordinance (Cap. 265), section 2—

Add in alphabetical order

“*Secretary* (局長) means the Secretary for Transport and Works;”.

- (2) Peak Tramway Ordinance (Cap. 265), sections 4, 5, 7(1), (2), (3) and (4), 7A(1) and (3), 8, 9(2) and (3), 10, 12, 14B(1), 14D(1) and (4), 14E(1), (2), (3) and (4), 14F(2) and 15(1)(b) and (d)(i)—

Repeal

“Secretary for Transport and Housing” (wherever appearing)

Substitute

“Secretary”.

- (3) Peak Tramway Ordinance (Cap. 265), section 7A(2)—

Repeal

“the Secretary for Transport and Housing’s”

Substitute

“an”.

- (4) Peak Tramway Ordinance (Cap. 265), section 14D, heading—

Repeal

“Secretary for Transport and Housing”

Substitute

“Secretary”.

- (5) Peak Tramway (Safety) Regulations (Cap. 265 sub. leg. A), regulation 2—

Repeal the definition of *Secretary*.

Division 3—Transfer to Secretary for Commerce and Industries

- 1. “Secretary for Commerce and Industries” substituted for “Secretary for Transport and Housing”**

The following provisions—

- (a) Port Control (Cargo Working Areas) Ordinance (Cap. 81), section 3(1);

- (b) Merchant Shipping Ordinance (Cap. 281), section 118(1), proviso;
- (c) Shipping and Port Control Ordinance (Cap. 313), section 56;
- (d) Merchant Shipping (Safety) Ordinance (Cap. 369), section 2(1), definition of *Secretary*;
- (e) Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413), section 3(2) and (5)(vii);
- (f) Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413 sub. leg. A), regulations 1(2) (definitions of *Certifying Authority* and *surveyor*), 35(1) and 36(1);
- (g) Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations (Cap. 413 sub. leg. B), regulation 23(2);
- (h) Merchant Shipping (BCH Code) Regulations (Cap. 413 sub. leg. D), regulations 1(3)(d) and 4(2);
- (i) Merchant Shipping (IBC Code) Regulations (Cap. 413 sub. leg. E), regulations 1(3)(c) and 4(2);
- (j) Hong Kong Civil Aviation (Investigation of Accidents) Regulations (Cap. 448 sub. leg. B), regulations 10(4) and 14(6);
- (k) Freight Containers (Safety) Ordinance (Cap. 506), section 2(1), definition of *Secretary*;
- (l) Merchant Shipping (Security of Ships and Port Facilities) Ordinance (Cap. 582), section 3(1), definition of *Secretary*;
- (m) Sailors Home and Missions to Seamen Incorporation Ordinance (Cap. 1042), section 3(2);
- (n) Merchant Shipping (Limitation of Shipowners Liability) (Amendment) Ordinance 2005 (1 of 2005), section 1(3);

- (o) Merchant Shipping (Safety) (Amendment) Ordinance 2009 (10 of 2009), section 2(2);
- (p) Air Transport (Licensing of Air Services) (Amendment) Regulation 2011 (L.N. 158 of 2011), section 1—

Repeal

“Secretary for Transport and Housing” (wherever appearing)

Substitute

“Secretary for Commerce and Industries”.

2. Amendment to Specification of Public Offices

Specification of Public Offices (Cap. 1 sub. leg. C), the Schedule, column 1, opposite to “Merchant Shipping (Safety) Ordinance (Chapter 369), section 5.” in column 2—

Repeal

“Secretary for Transport and Housing”

Substitute

“Secretary for Commerce and Industries”.

3. Amendment to Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations

Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. AM), regulation 1(2), definition of *Government Surveyor*—

Repeal

“by the Secretary for Transport and Housing”.

4. Amendments to transfer functions under Merchant Shipping (Seafarers) Ordinance

- (1) Merchant Shipping (Seafarers) Ordinance (Cap. 478), section 2(1)—

Add in alphabetical order

“*Secretary* (局長) means the Secretary for Commerce and Industries;”

- (2) Merchant Shipping (Seafarers) Ordinance (Cap. 478), sections 5(2), 6(4), (5) and (6), 17, 18(3), 19(1)(c), 72(1), 73(1), 80(5), 81, 82(1), 86, 89(1), (2) and (3), 95(2), 96(1), 97(1), 100(1), 104(1), 107(1), 119(2), 120(e), 121(1) and 125(4)—

Repeal

“Secretary for Transport and Housing”

Substitute

“Secretary”.

5. **Amendments to transfer functions under Merchant Shipping (Local Vessels) Ordinance**

- (1) Merchant Shipping (Local Vessels) Ordinance (Cap. 548), section 2—

Add in alphabetical order

“*Secretary* (局長) means the Secretary for Commerce and Industries;”

- (2) Merchant Shipping (Local Vessels) Ordinance (Cap. 548), sections 17(3), 72(3)(c) and (d) and 89(1) and (2)—

Repeal

“Secretary for Transport and Housing”

Substitute

“Secretary”.

6. **“Commerce and Industries Bureau” substituted for “Transport and Housing Bureau”**

The following provisions—

- (a) Specification of Arrangements (Swiss Federal Council) (Avoidance of Double Taxation on Income from Aircraft

Operation) Order (Cap. 112 sub. leg. AQ), section 2, note;

- (b) Specification of Arrangements (Government of the Republic of Iceland) (Avoidance of Double Taxation on Income from Aircraft Operation) Order (Cap. 112 sub. leg. AU), section 2, note;
- (c) Specification of Arrangements (Government of the Hashemite Kingdom of Jordan) (Avoidance of Double Taxation on Income from Aircraft Operation) Order (Cap. 112 sub. leg. AV), section 2, note—

Repeal

“Transport and Housing Bureau” (wherever appearing)

Substitute

“Commerce and Industries Bureau”.

Schedule 5

[para. (2)(e)]

Substitution of References to Public Officers and Policy Bureaux

Secretary for Commerce and Economic Development	Secretary for Commerce and Industries, Secretary for Culture or Secretary for Technology and Communications, as may be appropriate in the circumstances
Commerce and Economic Development Bureau	Commerce and Industries Bureau, Culture Bureau or Technology and Communications Bureau, as may be appropriate in the circumstances
Secretary for Development	Secretary for Culture, Secretary for Housing, Planning and Lands or Secretary for Transport and Works, as may be appropriate in the circumstances
Development Bureau	Culture Bureau, Housing, Planning and Lands Bureau or Transport and Works Bureau, as may be appropriate in the circumstances
Secretary for Home Affairs	Secretary for Culture
Home Affairs Bureau	Culture Bureau

Secretary for Transport and Housing	Secretary for Commerce and Industries, Secretary for Housing, Planning and Lands or Secretary for Transport and Works, as may be appropriate in the circumstances
Transport and Housing Bureau	Commerce and Industries Bureau, Housing, Planning and Lands Bureau or Transport and Works Bureau, as may be appropriate in the circumstances

**Legislative Council Sitting on 20 June 2012:
Proposed Resolution under the
Interpretation and General Clauses Ordinance**

Draft Speech of the Secretary for Constitutional and Mainland Affairs

President,

I move that the resolution proposed under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1), as set out on the Agenda, be passed. The objective of the resolution is to effect transfer of statutory functions from 1 July 2012 pursuant to the proposals to re-organise the Government Secretariat as announced by the Chief Executive-elect (CE-elect) on 4 May 2012.

2. To facilitate the CE-elect to re-organise the Government Secretariat, the Chief Executive (CE) has agreed to provide full support to the exercise in the interest of ensuring a smooth transition to the fourth-term Government.

3. The re-organisation proposals include the creation of two Deputy Secretary of Department (DSoD) posts; the setting-up of a new Culture Bureau; the re-structuring of the existing Commerce and Economic Development Bureau into two bureaux, namely, the Commerce and Industries Bureau, and the Technology and Communications Bureau; as well as the re-structuring of the existing Development Bureau, and the Transport and Housing Bureau into a Housing, Planning and Lands Bureau, and a Transport and Works Bureau. Details of the re-organisation proposals are set out in the paper for the Legislative Council (LegCo) Panel on Constitutional Affairs on “Re-organisation of the Government Secretariat” issued on 4 May.

4. To implement the new organisation structure with effect from 1 July 2012, the current term Government needs to move a resolution to effect the transfer of statutory functions. Pursuant to section 54A of Cap. 1, the LegCo may by resolution provide for the transfer of statutory functions vested in one public officer to another public officer. The proposed resolution provides that, with effect from 1 July 2012, the functions currently exercisable by a certain public officer by virtue of the ordinances

set out in the resolution will be transferred to another public officer who will take charge of the relevant policy responsibilities following the re-organisation of the Government Secretariat.

5. The resolution will not involve substantive amendments to the statutory functions (including powers and duties) provided for in the relevant ordinances. Instead, it will provide for the simple substitution of the current title of the public officer by the new title of the public officer in whom policy responsibility for the provision in question will be vested with effect from 1 July 2012.

6. After the resolution has been passed, the CE-in-Council will make an order to include the post titles of the two DSoDs and reflect the changes to the post titles of the various public officers. The order will also come into force on 1 July 2012.

7. The CE-elect consulted the public and different sectors of the community on the re-organisation proposals during his election campaign. The Office of the CE-elect sought views and advice from the current term Government through the CE's Office, and has met with the bureaux concerned to hear their views. The present proposals have taken into account the views expressed. I would like to appeal to Members to vote in favour of the Government's resolution, so that the re-organisation of the Government Secretariat can take effect from 1 July 2012 in conjunction with the commencement of the fourth-term HKSAR Government.

8. Thank you, President.