

Legislative Council Brief

Air Pollution Control Ordinance (Cap. 311)

Air Pollution Control (Asbestos)(Administration) (Amendment) Regulation 2000

Introduction

By virtue of section 43(1) of the Air Pollution Control Ordinance (Cap. 311), the Secretary for the Environment and Food, after consultation with the Advisory Council on the Environment, has made the Air Pollution Control (Asbestos) (Administration) (Amendment) Regulation 2000 (“the Amendment Regulation”), at Annex, to amend the Air Pollution Control (Asbestos) (Administration) Regulation in which the term “Industry Department” appears.

Background

2. The Financial Secretary announced in the Budget Speech for 2000-2001 the reorganisation of the Government’s institutional framework to advance initiatives for promoting innovation and technology and supporting industry and commerce. This will involve the abolition of the Industry Department and the establishment of a new Innovation and Technology Commission. Subject to the approval of the Finance Committee of the Legislative Council, the organisational changes will take effect on 1 July 2000.

3. Some of the existing legislation needs to be amended as a result of the reorganisation. In particular, certain provision of the Air Pollution Control (Asbestos) (Administration) Regulation (Cap. 311 sub. Leg.) (“the Regulation”) needs to be amended to provide for the transfer of management responsibility in respect of the Hong Kong Laboratory Accreditation Scheme from the Director-General of Industry to the new Commissioner for Innovation and Technology.

The Amendment

4. We propose to amend section 5 of the Regulation by repealing “Industry Department of the Government” and substituting “Commissioner for Innovation and Technology on behalf of the Government”.

Legislative Timetable

5. The Amendment Regulation will be published in the Gazette on 26 May 2000 and tabled in the Legislative Council for negative vetting on 31 May 2000. Subject to the approval by the Legislative Council Finance Committee on 9 June 2000 and the negative vetting by the Legislative Council, the amendment will take effect on 1 July 2000.

Basic Law Implications

6. The Department of Justice advises that the Amendment Regulation is consistent with the Basic Law.

Human Rights Implications

7. The Department of Justice advises that the Amendment Regulation has no human rights implications.

Binding Effect of the Legislation

8. The amendment will not affect the current binding effect of the Regulation.

Financial and Staffing Implications

9. The proposal does not have any financial and staffing implications for Government.

Economic Implications

10. The proposal does not have any economic implications.

Public Consultation

11. Secretary for Trade and Industry briefed the Legislative Council Panel on Trade and Industry on the reorganisation plan on 3 April 2000. Members of the Advisory Council on the Environment supported this proposal on 22 May 2000.

Publicity

12. A spokesman will be available to answer media enquiries.

Enquiries

13. For any enquiries on this amendment, please contact Mr. Howard Chan, Principal Assistant Secretary for the Environment and Food at 2136 3309 or by facsimile at 2136 3321. For enquiries on reorganization plan of the Trade and Industry Bureau and its supporting departments, please contact Mr. Bobby Cheng, Principal Assistant Secretary for Trade and Industry at 2918 7460 or by facsimile at 2869 4420.

Environment and Food Bureau

May 2000