

立法會
Legislative Council

LC Paper No. CB(3) 666/03-04

Ref : CB(3)/M/OR

Tel : 2869 9205

Date : 2 June 2004

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting on 16 June 2004

**Proposed resolution under section 54A of the
Interpretation and General Clauses Ordinance**

I forward for Members' consideration a proposed resolution which the Secretary for Economic Development and Labour will move at the Council meeting of 16 June 2004 under section 54A of the Interpretation and General Clauses Ordinance. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The speech, in both English and Chinese versions, which the Secretary for Economic Development and Labour will deliver when moving the proposed resolution, is also attached.

(Ray CHAN)
for Clerk to the Legislative Council

Encl.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

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

RESOLVED that -

- (1) the functions exercisable by the Chief Secretary for Administration by virtue of any of the following provisions be transferred to the Secretary for Economic Development and Labour -
 - (a) section 118(1) of the Merchant Shipping Ordinance (Cap. 281);
 - (b) section 19(2) of the Hong Kong Tourism Board Ordinance (Cap. 302);
 - (c) sections 18(3) and 19(1)(c) of the Merchant Shipping (Seafarers) Ordinance (Cap. 478);and
 - (d) section 3(2) of the Sailors Home and Missions to Seamen Incorporation Ordinance (Cap. 1042);
- (2) the functions exercisable by the Financial Secretary by virtue of any of the following

provisions be transferred to the Secretary for Economic Development and Labour -

- (a) sections 15 and 16(1), (3) and (5) of the Consumer Council Ordinance (Cap. 216);
 - (b) sections 32G(2), 32H(2)(c)(ii), 32I(1)(b), 32K(1) and (2)(b), 32L(5), 32M(1), (3) and (5), 32N(2) and (4)(the definition of "specified"), 32O(1), 32P(1) and (2), 32Q and 53 of the Travel Agents Ordinance (Cap. 218);
 - (c) section 17B(1), (2)(b) and (8) of the Hong Kong Tourism Board Ordinance (Cap. 302);
 - (d) sections 39(3) and 45(5) of the Electricity Ordinance (Cap. 406);
 - (e) section 16(3) of the Toys and Children's Products Safety Ordinance (Cap. 424);
 - (f) regulations 10(4) and 14(6) of the Hong Kong Civil Aviation (Investigation of Accidents) Regulations (Cap. 448 sub. leg. B); and
 - (g) section 15(3) of the Consumer Goods Safety Ordinance (Cap. 456);
- (3) for the purpose of giving full effect to paragraph (1) -
- (a) the provisions specified in paragraph (1)(a) to (d) be amended by repealing "Chief Secretary for Administration" wherever it appears and substituting

"Secretary for Economic Development and Labour" ;
and

- (b) the Specification of Public Office (L.N. 324 of 1999) be repealed; and
- (4) for the purpose of giving full effect to paragraph (2) -
 - (a) the provisions specified in paragraph (2)(a) to (g) be amended by repealing "Financial Secretary" wherever it appears and substituting "Secretary for Economic Development and Labour";
 - (b) the Schedule to the Specification of Public Offices (Cap. 1 sub. leg. C) be amended by repealing -

"Financial	Consumer Council
Secretary	Ordinance (Chapter
	216), section 16(1)
	and (5)."; and
 - (c) the Specification of Public Office (L.N. 350 of 1994) be repealed.

**Resolution of the Legislative Council
Interpretation and General Clauses Ordinance (Cap. 1)**

**Transfer of Certain Statutory Powers and Functions of
the Chief Secretary for Administration and the Financial Secretary to
the Secretary for Economic Development and Labour (SEDL)**

Speech of SEDL

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 amend the respective provisions of the ordinances set out in the resolution to transfer the statutory powers and functions of the Chief Secretary for Administration and the Financial Secretary under these provisions to the Secretary for Economic Development and Labour (SEDL).

All of the powers and functions proposed to be transferred fall within the SEDL's policy portfolio, and most of them relate to **procedural or administrative** matters involving the statutory organizations under the SEDL's purview, such as –

- (i) fixing or extending the deadline for submission of annual estimates, programme of activities, statement of accounts, the auditor's reports and annual reports by these organizations;
- (ii) approving the annual estimates and programme of activities of these organizations;

- (iii) tabling in the Legislative Council the statement of accounts, the auditor's reports and annual reports of these organizations; and
- (iv) approving the appointment of auditors by these organizations.

Others relate to –

- (i) the determination of remuneration rates for members of various appeal boards established under the Consumer Goods Safety Ordinance, the Toys and Children's Products Safety Ordinance, and the Electricity Ordinance;
- (ii) the determination of expenses allowed for witnesses under the Hong Kong Civil Aviation (Investigation of Accidents) Regulations;
- (iii) powers in the Travel Agents Ordinance to ensure proper operation of the Travel Industry Compensation Fund and the Travel Industry Council; and
- (iv) powers provided in three marine-related ordinances, namely, the powers to-
 - (a) appoint members of the Seafarers' Appeals Board under the Merchant Shipping (Seafarers) Ordinance;

- (b) lay before this Council in January each year a special report stating the cases in which the Chief Executive has exempted any vessel during the preceding year under the Merchant Shipping Ordinance; and
- (c) certify membership of the committee of the Sailors Home and Missions to Seamen under the Sailors Home and Missions to Seamen Incorporation Ordinance.

Subject to the approval of the motion by this Council, the amended provisions will come into force on the date of their publication in the Gazette.

I hereby move the motion.

Economic Development and Labour Bureau
June 2004