

立法會
Legislative Council

LC Paper No. CB(3) 610/06-07

Ref. : CB(3)/M/OR

Tel : 2869 9205

Date : 25 May 2007

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 13 June 2007

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

I forward for Members' consideration a proposed resolution which the Secretary for Constitutional Affairs will move at the Council meeting of 13 June 2007 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 draft speech, in both English and Chinese versions, which the Secretary for Constitutional Affairs will deliver when moving the proposed resolution, is also attached.

(Mrs Justina LAM)
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 with effect from 1 July 2007 -

(1) the functions exercisable by the Secretary for Constitutional Affairs by virtue of -

(a) the Federation of Hong Kong Industries Ordinance (Cap. 321) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 45(5) by repealing "Secretary for Constitutional Affairs" and substituting "Secretary for Constitutional and Mainland Affairs";

(b) the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation (Cap. 541 sub. leg. B) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, that Regulation be amended in

section 9(6A)(b) by repealing "Secretary for Constitutional Affairs" and substituting "Secretary for Constitutional and Mainland Affairs";

- (c) the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 84(6)(b) by repealing "Secretary for Constitutional Affairs" and substituting "Secretary for Constitutional and Mainland Affairs";
- (d) the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 82(4)(b) by repealing "Secretary for Constitutional Affairs" and substituting "Secretary for Constitutional and Mainland Affairs";
- (e) the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 81(4)(b) by repealing "Secretary for Constitutional Affairs" and

substituting "Secretary for Constitutional and Mainland Affairs";

(f) the Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg. J) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 55(b)(ii) by repealing "Secretary for Constitutional Affairs" and substituting "Secretary for Constitutional and Mainland Affairs";

(g) the Electoral Procedure (Village Representative Election) Regulation (Cap. 541 sub. leg. L) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 67(1)(b)(ii) by repealing "Secretary for Constitutional Affairs" and substituting "Secretary for Constitutional and Mainland Affairs";

(h) the Legislative Council Ordinance (Cap. 542) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Constitutional Affairs" wherever it appears and substituting "Secretary for Constitutional and Mainland Affairs" -

(i) section 3(2A)(a)(ii);

- (ii) section 3(2B);
- (iii) section 20U(2)(b)(ii);
- (iv) section 67(4);
- (v) section 67(5);
- (vi) section 67(6);
- (vii) section 71;
- (viii) section 75(4);

(i) the Legislative Council (Election Petition) Rules (Cap. 542 sub. leg. F) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, those Rules be amended in the following provisions by repealing "Secretary for Constitutional Affairs" wherever it appears and substituting "Secretary for Constitutional and Mainland Affairs" -

- (i) rule 5(3)(a);
- (ii) rule 10(4)(d);
- (iii) rule 10(5);
- (iv) rule 13(2)(a);
- (v) rule 13(4);
- (vi) rule 15(2);
- (vii) rule 19(3);

(j) the District Councils Ordinance (Cap. 547) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Constitutional Affairs" wherever it appears and substituting "Secretary for Constitutional and Mainland Affairs" -

- (i) section 55(4);
- (ii) section 55(5);
- (iii) section 55(6);

(k) the District Councils (Election Petition) Rules (Cap. 547 sub. leg. C) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, those Rules be amended in the following provisions by repealing "Secretary for Constitutional Affairs" wherever it appears and substituting "Secretary for Constitutional and Mainland Affairs" -

- (i) rule 5(2)(a);
- (ii) rule 10(4)(d);
- (iii) rule 13(2)(a);
- (iv) rule 15(2);
- (v) rule 19(3);

(l) the Chief Executive Election Ordinance (Cap. 569) be transferred to the Secretary for Constitutional and Mainland Affairs and, for

the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Constitutional Affairs" wherever it appears and substituting "Secretary for Constitutional and Mainland Affairs" -

- (i) section 1(4)(a)(ii) of the Schedule;
 - (ii) section 44(4) of the Schedule;
- (m) the Chief Executive Election (Election Petition) Rules (Cap. 569 sub. leg. E) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, those Rules be amended -
- (i) in the following provisions by repealing "Secretary for Constitutional Affairs" wherever it appears and substituting "Secretary for Constitutional and Mainland Affairs" -
 - (A) section 7(1)(c);
 - (B) section 8(4)(d);
 - (C) section 10(3)(c);
 - (D) section 11(2)(a)(iii);
 - (E) section 13(2)(c);
 - (F) section 14(2)(a)(iv);
 - (G) section 17(3)(b);
 - (H) the Schedule;
 - (ii) in section 17(3), in the Chinese text, by repealing "政制事務局局長"

and substituting “政制及內地事務局局長”;

- (2) the functions exercisable by the Secretary for Commerce, Industry and Technology by virtue of -
- (a) the Import and Export Ordinance (Cap. 60) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 39(2) by repealing “Secretary for Commerce, Industry and Technology” and substituting “Secretary for Commerce and Economic Development”;
 - (b) the Telecommunications Ordinance (Cap. 106) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 32U by repealing “Secretary for Commerce, Industry and Technology” and substituting “Secretary for Commerce and Economic Development”;
 - (c) the Dutiable Commodities Ordinance (Cap. 109) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 2(5) by repealing “Secretary for Commerce, Industry and Technology” and substituting “Secretary for Commerce and Economic Development”;
 - (d) the Reserved Commodities Ordinance (Cap. 296) be transferred to the Secretary for Commerce

and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 2(3) by repealing "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development";

(e) the Film Censorship Ordinance (Cap. 392) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended -

(i) in the definition of "Secretary" in section 2(1) by repealing "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development";

(ii) in section 29(1) by repealing "Secretary for Commerce, Industry and Technology" and substituting "Secretary";

- (f) the resolution of the Legislative Council establishing the Office of the Telecommunications Authority Trading Fund (Cap. 430 sub. leg. D) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Resolution be amended in item 1(p) of Schedule 1 by repealing "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development";
- (g) the Bills of Lading and Analogous Shipping Documents Ordinance (Cap. 440) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Commerce, Industry and Technology" wherever it appears and substituting "Secretary for Commerce and Economic Development" -
- (i) section 7(1);
 - (ii) section 7(2)(a);
- (h) the Copyright Ordinance (Cap. 528) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended -
- (i) in the following provisions by repealing "Secretary for Commerce,

Industry and Technology" wherever it appears and substituting "Secretary for Commerce and Economic Development" -

- (A) section 46(1);
- (B) section 70(4);
- (C) section 83(3);
- (D) section 84(2);
- (E) section 121(16);
- (F) section 152;
- (G) section 171(1);
- (H) section 171(2);
- (I) section 171(3);
- (J) section 189(2);
- (K) paragraph 43 of Schedule 2;

(ii) in section 70(4)(b), in the Chinese text, by repealing "工商及科技局局長" and substituting "商務及經濟發展局局長";

(i) the Prevention of Copyright Piracy Ordinance (Cap. 544) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Commerce, Industry and Technology" wherever it appears and substituting "Secretary for Commerce and Economic Development" -

- (i) section 38;

- (ii) section 39;
- (j) the Electronic Transactions Ordinance (Cap. 553) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development";
- (k) the Entertainment Special Effects Ordinance (Cap. 560) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development";
- (l) the Broadcasting Ordinance (Cap. 562) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Commerce, Industry and Technology" wherever it appears and substituting "Secretary for Commerce and Economic Development" -
 - (i) section 15(6) (b) (ii) of Schedule 1;
 - (ii) section 29(6) (b) (ii) of Schedule 1;

- (m) the Copyright (Suspension of Amendments) Ordinance 2001 (Cap. 568) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 3(2) by repealing "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development";
 - (n) the Chemical Weapons (Convention) Ordinance (Cap. 578) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 40(1) by repealing "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development";
 - (o) the Hong Kong Trade Development Council Ordinance (Cap. 1114) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 11(1)(b)(vi) by repealing "Secretary for Commerce, Industry and Technology" and substituting "Secretary for Commerce and Economic Development";
- (3) the functions exercisable by the Permanent Secretary for Commerce, Industry and Technology (Communications and Technology) by virtue of the

Electronic Transactions Ordinance (Cap. 553) be transferred to the Permanent Secretary for Commerce and Economic Development (Communications and Technology) and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Permanent Secretary" in section 2(1) by repealing "Permanent Secretary for Commerce, Industry and Technology (Communications and Technology)" and substituting "Permanent Secretary for Commerce and Economic Development (Communications and Technology)";

- (4) the functions exercisable by the Secretary for Economic Development and Labour by virtue of -
- (a) the Gas Safety Ordinance (Cap. 51) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for the Environment";

- (b) the Factories and Industrial Undertakings Ordinance (Cap. 59) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 7(1)(od) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Labour and Welfare";
- (c) the Factories and Industrial Undertakings (Safety Management) Regulation (Cap. 59 sub. leg. AF) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Regulation be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Labour and Welfare" -
- (i) section 26(1);
 - (ii) section 27(1);
- (d) the Contracts for Employment Outside Hong Kong Ordinance (Cap. 78) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 4(2)(d) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Labour and Welfare";
- (e) the Port Control (Cargo Working Areas) Ordinance (Cap. 81) be transferred to the

Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 3(1) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";

- (f) the Specification of Arrangements (Swiss Federal Council) (Avoidance of Double Taxation on Income from Aircraft Operation) Order (Cap. 112 sub. leg. AQ) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Order be amended in the note to section 2 by repealing "Economic Development and Labour Bureau" and substituting "Transport and Housing Bureau";
- (g) the Specification of Arrangements (Government of the Republic of Iceland) (Avoidance of Double Taxation on Income from Aircraft Operation) Order (Cap. 112 sub. leg. AU) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Order be amended in the note to section 2 by repealing "Economic Development and Labour Bureau" and substituting "Transport and Housing Bureau";
- (h) the 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) be

transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Order be amended in the note to section 2 by repealing

"Economic Development and Labour Bureau" and substituting "Transport and Housing Bureau";

- (i) the Consumer Council Ordinance (Cap. 216) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Commerce and Economic Development" -

- (i) section 15;

- (ii) section 16(1);

- (iii) section 16(3);

- (iv) section 16(5);

- (j) the Travel Agents Ordinance (Cap. 218) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended -

- (i) in the following provisions by

- repealing "Secretary for Economic

- Development and Labour" wherever it

- appears and substituting "Secretary

- for Commerce and Economic

- Development" -

- (A) section 32G(2);
- (B) section 32H(2)(c)(ii);
- (C) section 32I(1)(b);
- (D) section 32K(1);
- (E) section 32K(2)(b);
- (F) section 32L(5);
- (G) section 32M(1);
- (H) section 32M(3);
- (I) section 32M(5);
- (J) section 32N(2);
- (K) the definition of "specified"
in section 32N(4);
- (L) section 32O(1);
- (M) section 32P(1);
- (N) section 32P(2);
- (O) section 32Q;
- (P) section 50(1);
- (Q) section 53;

(ii) in the heading of the following provisions by repealing "**Secretary for Economic Development and Labour**" wherever it appears and substituting "**Secretary for Commerce and Economic Development**" -

- (A) section 32O;
- (B) section 53;

(k) the Merchant Shipping Ordinance (Cap. 281) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be

amended in the proviso of section 118(1) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";

- (l) the Hong Kong Tourism Board Ordinance (Cap. 302) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Commerce and Economic Development" -
- (i) section 17B(1);
 - (ii) section 17B(2)(b);
 - (iii) section 17B(8);
 - (iv) section 19(2);
- (m) the Shipping and Port Control Ordinance (Cap. 313) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 56 by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";
- (n) the Employees Compensation Assistance Ordinance (Cap. 365) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the

definition of "Secretary" in section 2(1) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Labour and Welfare";

(o) the Merchant Shipping (Safety) Ordinance (Cap. 369) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer -

(i) the Merchant Shipping (Safety) Ordinance (Cap. 369) be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Transport and Housing" -

(A) section 5(1);

(B) section 8(1);

(C) section 8(2);

(D) section 93(1);

(E) section 94(1);

(F) section 94(2);

(G) section 94(2)(b);

(H) section 95(1);

(I) section 96(1);

(J) section 96(2);

(K) section 97(1);

(L) section 97(2);

(M) section 98(1);

(N) section 99(1);

(O) section 99(2);

- (P) section 100(1);
- (Q) section 101(1);
- (R) section 102(1);
- (S) section 102(1)(f);
- (T) section 103(1);
- (U) section 104;
- (V) section 105(1);
- (W) section 105(3);
- (X) section 106;
- (Y) section 107(1);
- (Z) section 108(1);
- (AA) section 110(3C);
- (AB) section 110(4);
- (AC) section 115(3);

(ii) the Specification of Public Offices (Cap. 1 sub. leg. C) be amended in column 1 of the Schedule by repealing "Secretary for Economic Development and Labour" where it appears opposite to "Merchant Shipping (Safety) Ordinance (Chapter 369), section 5." in column 2 and substituting "Secretary for Transport and Housing";

(p) the Merchant Shipping (Safety) (Cargo Ship Safety Equipment Survey) Regulations (Cap. 369 sub. leg. T) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in the following

provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Transport and Housing" -

- (i) the definition of "Certifying Authority" in regulation 2;
 - (ii) the definition of "Government surveyor" in regulation 2;
- (q) the Merchant Shipping (Safety) (Musters and Training) Regulations (Cap. 369 sub. leg. AI) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in regulation 6(4) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";
- (r) the Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) Regulations (Cap. 369 sub. leg. AM) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in the definition of "Government Surveyor" in regulation 1(2) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";
- (s) the Merchant Shipping (Safety) (Radio Installations Survey) Regulations (Cap. 369

sub. leg. AQ) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in the definition of "Government surveyor" in regulation 2 by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";

(t) the Occupational Safety and Health Council Ordinance (Cap. 398) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 22(5) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Labour and Welfare";

(u) the Electricity Ordinance (Cap. 406) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended -

(i) in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for the Environment" -

(A) section 36(1)(a);

(B) section 38(1);

(C) section 39(1);

(D) section 39(3);

(E) section 43(3);

(F) section 44(1);

(G) section 45(1);

(H) section 45(2);

(I) section 45(5);

(J) section 59(6);

(ii) in the following provisions, in the Chinese text, by repealing “經濟發展及勞工局局長” wherever it appears and substituting “環境局局長” -

(A) section 38(1)(c);

(B) section 38(1)(d);

(C) section 38(1)(e);

(D) section 44(1)(d);

(E) section 44(1)(e);

(F) section 44(1)(f);

(G) section 44(1)(g);

(v) the Electricity Supply Lines (Protection) Regulation (Cap. 406 sub. leg. H) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 13(1)(b) by repealing “Secretary for Economic Development and Labour” and substituting “Secretary for the Environment”;

(w) the Employees' Compensation Insurance Levies Ordinance (Cap. 411) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such

transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Labour and Welfare";

(x) the Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Transport and Housing" -

(i) section 3(2);

(ii) section 3(5)(vii);

(y) the Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413 sub. leg. A) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Transport and Housing" -

(i) the definition of "Certifying Authority" in regulation 1(2);

- (ii) the definition of "surveyor" in regulation 1(2);
 - (iii) regulation 35(1);
 - (iv) regulation 36(1);
- (z) the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations (Cap. 413 sub. leg. B) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in regulation 23(2) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";
- (aa) the Merchant Shipping (BCH Code) Regulations (Cap. 413 sub. leg. D) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Transport and Housing" -
 - (i) regulation 1(3)(d);
 - (ii) regulation 4(2);
- (ab) the Merchant Shipping (IBC Code) Regulations (Cap. 413 sub. leg. E) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in the

following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Transport and Housing" -

(i) regulation 1(3)(c);

(ii) regulation 4(2);

(ac) the Toys and Children's Products Safety Ordinance (Cap. 424) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Commerce and Economic Development" -

(i) section 4;

(ii) section 6(1);

(iii) section 6(2);

(iv) section 14(3);

(v) section 15(1);

(vi) section 15(3);

(vii) section 16(1);

(viii) section 16(3);

(ix) section 35(1);

(ad) the Hong Kong Civil Aviation (Investigation of Accidents) Regulations (Cap. 448 sub. leg. B) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those

Regulations be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Transport and Housing" -

(i) regulation 10(4);

(ii) regulation 14(6);

(ae) the Consumer Goods Safety Ordinance (Cap. 456) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended -

(i) in the definition of "Secretary" in section 2 by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Commerce and Economic Development";

(ii) in section 15(3) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary";

(af) the Occupational Deafness (Compensation) Ordinance (Cap. 469) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Labour and Welfare";

(ag) the Merchant Shipping (Seafarers) Ordinance (Cap. 478) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Transport and Housing" -

- (i) section 5(2);
- (ii) section 6(4);
- (iii) section 6(5);
- (iv) section 6(6);
- (v) section 17;
- (vi) section 18(3);
- (vii) section 19(1)(c);
- (viii) section 72(1);
- (ix) section 73(1);
- (x) section 80(5);
- (xi) section 81;
- (xii) section 82(1);
- (xiii) section 86;
- (xiv) section 89(1);
- (xv) section 89(2);
- (xvi) section 89(3);
- (xvii) section 95(2);
- (xviii) section 96(1);
- (xix) section 97(1);
- (xx) section 100(1);
- (xxi) section 104(1);

(xxii) section 107(1);

(xxiii) section 119(2);

(xxiv) section 120(e);

(xxv) section 121(1);

(xxvi) section 125(4);

(ah) the Freight Containers (Safety) Ordinance (Cap. 506) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";

(ai) the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Economic Development and Labour" wherever it appears and substituting "Secretary for Transport and Housing" -

(i) section 17(3);

(ii) section 72(3)(c);

(iii) section 72(3)(d);

(iv) section 89(1);

(v) section 89(2);

(aj) the Tung Chung Cable Car Ordinance (Cap. 577) be transferred to the Secretary for Commerce

and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Commerce and Economic Development";

(ak) the Merchant Shipping (Security of Ships and Port Facilities) Ordinance (Cap. 582) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 3(1) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";

(al) the Sailors Home and Missions to Seamen Incorporation Ordinance (Cap. 1042) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 3(2) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";

(am) the Merchant Shipping (Limitation of Shipowners Liability) (Amendment) Ordinance 2005 (1 of 2005) be transferred to the Secretary for Transport and Housing and, for

the purpose of giving full effect to such transfer, that Ordinance be amended in section 1(3) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Transport and Housing";

(an) the Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Ordinance 2006 (16 of 2006) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 1(2) by repealing "Secretary for Economic Development and Labour" and substituting "Secretary for Labour and Welfare";

(5) the functions exercisable by the Secretary for Education and Manpower by virtue of -

(a) the Dangerous Drugs Ordinance (Cap. 134) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in item 14 of the Fourth Schedule by repealing "Education and Manpower Bureau" and substituting "Education Bureau";

(b) the Legal Practitioners Ordinance (Cap. 159) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 74A(3)(a)(iii) by repealing "Secretary for Education and Manpower" and substituting "Secretary for Education";

- (c) the Child Care Services Ordinance (Cap. 243) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Education and Manpower Bureau" wherever it appears and substituting "Education Bureau" -
 - (i) section 4(2);
 - (ii) section 12(a);
- (d) the Education Ordinance (Cap. 279) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended -
 - (i) in the following provisions by repealing "Secretary for Education and Manpower" wherever it appears and substituting "Secretary for Education" -
 - (A) section 40AC(1);
 - (B) section 40BP(2);
 - (C) section 40BR(2);
 - (ii) in the following provisions by repealing "Education and Manpower Bureau" wherever it appears and substituting "Education Bureau" -
 - (A) section 5(2);
 - (B) section 79(a);
- (e) the Grant Schools Provident Fund Rules (Cap. 279 sub. leg. C) be transferred to the Secretary for Education and, for the purpose

of giving full effect to such transfer, those Rules be amended in rule 15(3) by repealing "Secretary for Education and Manpower" and substituting "Secretary for Education";

- (f) the Subsidized Schools Provident Fund Rules (Cap. 279 sub. leg. D) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, those Rules be amended in rule 16(3) by repealing "Secretary for Education and Manpower" and substituting "Secretary for Education";
- (g) the Employees Retraining Ordinance (Cap. 423) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer -

(i) the Employees Retraining Ordinance (Cap. 423) be amended -

(A) in section 2 by repealing the definition of "Secretary" and substituting -

" "Secretary" (局長) means the

Secretary for Labour and Welfare;";

(B) in the following provisions, in the Chinese text, by repealing "教育統籌局局長" wherever it appears and substituting "局長" -

(I) section 9(2);

(II) section 9(3);

(III) section 14(4);

(C) in section 33(1), in the English text, by repealing "Secretary" and substituting "Secretary for Education and Manpower";

(ii) the Specification of Public Office (L.N. 158 of 2002) be amended -

(A) in column 1 of the Schedule by repealing "Secretary for Education and Manpower";

(B) in column 2 of the Schedule by repealing "Employees Retraining Ordinance (Chapter 423), sections 9(2) and (3) and 14(4).";

(C) in the Schedule by adding at the end -

"Secretary for	Employees
Labour and	Retraining
Welfare	Ordinance
	(Chapter 423),
	sections 9(2)
	and (3) and
	14(4).";

(h) the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer -

(i) the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493) be amended in

the following provisions by
repealing "Secretary for Education
and Manpower" wherever it appears
and substituting "Secretary for
Education" -

(A) section 8(1)(a)(ii)(B);

(B) section 40(1);

(C) section 41;

(ii) the Specification of Public Office
(L.N. 158 of 2002) be amended -

(A) in column 2 of the Schedule by
repealing "Non-local Higher and
Professional Education
(Regulation) Ordinance (Chapter
493), section 8(1)(a)(ii)(B).";

(B) in the Schedule by adding at the
end -

"Secretary	Non-local Higher
for	and Professional
Education	Education
	(Regulation)
	Ordinance (Chapter
	493), section
	8(1)(a)(ii)(B).";

- (i) the Copyright Ordinance (Cap. 528) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 195(4) by repealing "Secretary for Education and Manpower" and substituting "Secretary for Education";
- (j) the Permanent Secretary for Education and Manpower Incorporation Ordinance (Cap. 1098) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 4 by repealing "Education and Manpower Bureau" and substituting "Education Bureau";
- (k) the St. Paul's College Council Incorporation Ordinance (Cap. 1102) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 4(1)(h) by repealing "Education and Manpower Bureau" and substituting "Education Bureau";
- (l) the Sir Edward Youde Memorial Fund Ordinance (Cap. 1140) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 9(2)(b) by repealing "Secretary for Education and Manpower" and substituting "Secretary for Education";
- (m) the Hong Kong Council for Academic Accreditation Ordinance (Cap. 1150) be

transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer -

- (i) the Hong Kong Council for Academic Accreditation Ordinance (Cap. 1150) be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for Education and Manpower" and substituting "Secretary for Education";
- (ii) the Specification of Public Office (L.N. 158 of 2002) be amended -
 - (A) in column 2 of the Schedule by repealing "Hong Kong Council for Academic Accreditation Ordinance (Chapter 1150), sections 5(e), (g) and (1), 9(1) and (2), 10, 12, 13(1) and (2) and 17.";
 - (B) in column 2 of the Schedule by adding -

"Hong Kong Council for Academic Accreditation Ordinance (Chapter 1150), sections 5(e), (g) and (1), 9(1) and (2), 10, 12, 13(1) and (2) and 17."

after -

"Non-local Higher and Professional
Education (Regulation) Ordinance
(Chapter 493), section
8(1)(a)(ii)(B).";

- (n) the Lingnan University Ordinance (Cap. 1165) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Education and Manpower" and substituting "Secretary for Education";
- (o) the Accreditation of Academic and Vocational Qualifications Ordinance (6 of 2007) be transferred to the Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Education and Manpower" wherever it appears and substituting "Secretary for Education" -
 - (i) section 1(2);
 - (ii) the definition of "Secretary" in section 2;
 - (iii) section 51;

- (6) the functions exercisable by the Permanent Secretary for Education and Manpower by virtue of -
- (a) the Employment Ordinance (Cap. 57) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 50(3)(h)(ii) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
 - (b) the Employment of Children Regulations (Cap. 57 sub. leg. B) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, those Regulations be amended in the definition of "school attendance certificate" in regulation 2 by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
 - (c) the Employment of Young Persons and Children at Sea Ordinance (Cap. 58) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the proviso of section 2 by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

- (d) the Pensions Ordinance (Cap. 89) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 18(1B)(b) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (e) the Pension Benefits Ordinance (Cap. 99) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 19(6)(a) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (f) the Inland Revenue Ordinance (Cap. 112) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, the Specification of Public Offices (Cap. 1 sub. leg. C) be amended in column 1 of the Schedule by repealing "Permanent Secretary for Education and Manpower" where it appears opposite to "Inland Revenue Ordinance (Chapter 112), sections 16B and 16C." in column 2 and substituting "Permanent Secretary for Education";

- (g) the Places of Public Entertainment Regulations (Cap. 172 sub. leg. A) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, those Regulations be amended in regulation 178(1)(b) by repealing "Permanent Secretary for Education and Manpower" wherever it appears and substituting "Permanent Secretary for Education";
- (h) the Auxiliary Forces Pay and Allowances Ordinance (Cap. 254) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 16(2)(c) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (i) the Auxiliary Forces Pay and Allowances (Pensions) Regulation (Cap. 254 sub. leg. I) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 6(6)(a) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

- (j) the Hong Kong Examinations and Assessment Authority Ordinance (Cap. 261) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in paragraph (a)(vii) of Schedule 2 by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (k) the Education Ordinance (Cap. 279) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Permanent Secretary" in section 3(1) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (l) the Post Secondary Colleges Ordinance (Cap. 320) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer -
 - (i) the Post Secondary Colleges Ordinance (Cap. 320) be amended in the definition of "Permanent Secretary" in section 2 by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

(ii) the Specification of Public Offices (Cap. 1 sub. leg. C) be amended in the following items in column 1 of the Schedule by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education" -

(A) where it appears opposite to "Post Secondary Colleges Ordinance (Chapter 320), sections 3, 8, 9 and 10." in column 2;

(B) where it appears opposite to "Post Secondary Colleges Ordinance (Chapter 320), sections 11 and 12(2)." in column 2;

(m) the Post Secondary Colleges Regulations (Cap. 320 sub. leg. A) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, those Regulations be amended -

(i) in the Schedule, in Forms 1, 2 and 3, by repealing "Permanent Secretary for Education and Manpower" wherever it appears and substituting "Permanent Secretary for Education";

- (ii) in the Schedule, in the English text, in Forms 1, 2 and 3, by repealing "Education and Manpower Bureau" wherever it appears and substituting "Education Bureau";
- (n) the Queen Elizabeth Foundation for the Mentally Handicapped Ordinance (Cap. 399) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 5(ba) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (o) the Pension Benefits (Judicial Officers) Ordinance (Cap. 401) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 20(6)(a) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (p) the Electricity Ordinance (Cap. 406) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 32(2) by repealing "Permanent Secretary for Education and

Manpower" and substituting "Permanent Secretary for Education";

- (q) the Environment and Conservation Fund Ordinance (Cap. 450) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 7(2)(c) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (r) the Hong Kong Arts Development Council Ordinance (Cap. 472) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 3(3)(e) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (s) the Sex Discrimination Ordinance (Cap. 480) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in item 15 of Schedule 1 by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

- (t) the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 5(1) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (u) the Family Status Discrimination Ordinance (Cap. 527) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in item 15 of Schedule 1 by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (v) the Grantham Scholarships Fund Ordinance (Cap. 1076) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 4(1)(b) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (w) the Education Scholarships Fund Ordinance (Cap. 1085) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following

provisions by repealing "Permanent Secretary for Education and Manpower" wherever it appears and substituting "Permanent Secretary for Education" -

- (i) the definition of "Permanent Secretary" in section 2;
 - (ii) section 3(3);
- (x) the Munsang College Incorporation Ordinance (Cap. 1094) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the proviso of section 4(2) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (y) the Permanent Secretary for Education and Manpower Incorporation Ordinance (Cap. 1098) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended -
- (i) in the long title by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
 - (ii) in the heading of section 2 by repealing "**Permanent Secretary for Education and Manpower**" and substituting "**Permanent Secretary for Education**";

- (iii) in section 2 by repealing "Permanent Secretary for Education and Manpower" where it first appears and substituting "Permanent Secretary for Education";
 - (iv) in section 8(4) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (z) the Social Work Training Fund Ordinance (Cap. 1100) be transferred to the Permanent Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 5(1)(c) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Labour and Welfare";
- (aa) the Sir Robert Black Trust Fund Ordinance (Cap. 1101) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 5(2)(b) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";
- (ab) the Li Po Chun Charitable Trust Fund Ordinance (Cap. 1110) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following

provisions by repealing "Permanent Secretary for Education and Manpower" wherever it appears and substituting "Permanent Secretary for Education" -

- (i) paragraph 2(2) of the Schedule;
- (ii) paragraph 2(3) of the Schedule;
- (iii) paragraph 3(7) of the Schedule;

(ac) The English Schools Foundation Ordinance (Cap. 1117) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Permanent Secretary for Education and Manpower" wherever it appears and substituting "Permanent Secretary for Education" -

- (i) section 6(1);
- (ii) section 9(8);

(ad) the Police Children's Education Trust Ordinance (Cap. 1119) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 6(2)(c) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

(ae) the Police Education and Welfare Trust Ordinance (Cap. 1120) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such

transfer, that Ordinance be amended in section 6(2)(c) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

(af) the Correctional Services Children's Education Trust Ordinance (Cap. 1131) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 6(2)(c) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

(ag) the Accreditation of Academic and Vocational Qualifications Ordinance (6 of 2007) be transferred to the Permanent Secretary for Education and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 28(3) by repealing "Permanent Secretary for Education and Manpower" and substituting "Permanent Secretary for Education";

(7) the functions exercisable by the Permanent Secretary for Education and Manpower Incorporated by virtue of -

- (a) the Transfer of Businesses (Protection of Creditors) Ordinance (Cap. 49) be transferred to the Permanent Secretary for Education Incorporated and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 10(d) by repealing "Permanent Secretary for Education and Manpower Incorporated" and substituting "Permanent Secretary for Education Incorporated";
- (b) the Stamp Duty Ordinance (Cap. 117) be transferred to the Permanent Secretary for Education Incorporated and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "incorporated public officer" in section 38 by repealing "Permanent Secretary for Education and Manpower Incorporated" and substituting "Permanent Secretary for Education Incorporated";
- (c) the Education Ordinance (Cap. 279) be transferred to the Permanent Secretary for Education Incorporated and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 40BE by repealing "Permanent Secretary for Education and Manpower Incorporation" and substituting

"Permanent Secretary for Education
Incorporation";

(d) the Permanent Secretary for Education and
Manpower Incorporation Ordinance (Cap. 1098)
be transferred to the Permanent Secretary for
Education Incorporated and, for the purpose of
giving full effect to such transfer, that
Ordinance be amended -

(i) in section 1 by repealing "Permanent
Secretary for Education and
Manpower" and substituting
"Permanent Secretary for Education";

(ii) in section 2 by repealing "Permanent
Secretary for Education and
Manpower" where it secondly appears
and substituting "Permanent
Secretary for Education";

(8) the functions exercisable by the Secretary for the
Environment, Transport and Works by virtue of -

(a) the Lands Tribunal Rules (Cap. 17 sub. leg. A)
be transferred to the Secretary for Transport
and Housing and, for the purpose of giving
full effect to such transfer, those Rules be
amended in the Schedule, in Forms 10 and 11,
by repealing "Secretary for the Environment,
Transport and Works" wherever it appears and
substituting "Secretary for Transport and
Housing";

(b) the Land (Miscellaneous Provisions) Ordinance
(Cap. 28) be transferred to the Secretary for

Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended -

- (i) in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Development" -
 - (A) section 2A(3)(a);
 - (B) section 2A(4);
 - (C) section 2A(5);
 - (D) section 2A(6)(b);
 - (E) section 2A(6);
 - (F) the definition of "Secretary" in section 8(1);
 - (G) section 18(1A);
- (ii) in the heading of section 18 by repealing "**Secretary for the Environment, Transport and Works**" and substituting "**Secretary for Development**";
- (c) the Forests and Countryside Ordinance (Cap. 96) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";

- (d) the Ferry Services Ordinance (Cap. 104) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Transport and Housing" -
- (i) section 22(2);
 - (ii) section 28(7)(a);
 - (iii) section 28(7)(b);
 - (iv) section 41(1);
- (e) the Tramway Regulations (Cap. 107 sub. leg. B) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in the definition of "Secretary" in regulation 2 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";
- (f) the Wild Animals Protection Ordinance (Cap. 170) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for the Environment" -

- (i) section 22(1);
 - (ii) section 22(2);
- (g) the Defences (Firing Areas) Ordinance (Cap. 196) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the Second Schedule by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Development";
- (h) the Eastern Harbour Crossing Ordinance (Cap. 215) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer -
 - (i) the Eastern Harbour Crossing Ordinance (Cap. 215) be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";
 - (ii) the Specification of Public Offices (Cap. 1 sub. leg. C) be amended in column 1 of the Schedule by repealing "Secretary for the Environment, Transport and Works" where it appears opposite to "Eastern Harbour Crossing Ordinance (Chapter 215)." in column 2 and

substituting "Secretary for
Transport and Housing";

(i) the Public Bus Services Ordinance (Cap. 230) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended -

(i) in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Transport and Housing" -

(A) section 6(2A);

(B) section 12A(1);

(C) section 12A(2);

(D) section 12A(3);

(E) section 12A(4);

(F) section 33(1);

(G) section 35(1);

(ii) in the heading of section 35 by repealing "**Secretary for the Environment, Transport and Works**" and substituting "**Secretary for Transport and Housing**";

(j) the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section

25 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";

(k) the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 11 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";

(l) the Peak Tramway Ordinance (Cap. 265) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended -

(i) in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Transport and Housing" -

(A) section 4;

(B) section 5;

(C) section 7(1);

(D) section 7(2);

(E) section 7(3);

(F) section 7(4);

- (G) section 7A(1);
- (H) section 7A(3);
- (I) section 8;
- (J) section 9(2);
- (K) section 9(3);
- (L) section 10;
- (M) section 12;
- (N) section 14B(1);
- (O) section 14D(1);
- (P) section 14D(4);
- (Q) section 14D(4)(b);
- (R) section 14E(1);
- (S) section 14E(2);
- (T) section 14E(3);
- (U) section 14E(4);
- (V) section 14F(2);
- (W) section 15(1)(b);
- (X) section 15(1)(d)(i);

(ii) in section 7A(2) by repealing "Secretary for the Environment, Transport and Works's" and substituting "Secretary for Transport and Housing's";

(iii) in the heading of section 14D by repealing "**Secretary for the Environment, Transport and Works**" and substituting "**Secretary for Transport and Housing**";

(m) the Peak Tramway (Safety) Regulations (Cap. 265 sub. leg. A) be transferred to the

Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in the definition of "Secretary" in regulation 2 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";

- (n) the Air Pollution Control Ordinance (Cap. 311) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";
- (o) the Air Pollution Control (Appeal Board) Regulations (Cap. 311 sub. leg. D) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, those Regulations be amended in the definition of "Secretary" in regulation 2 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";
- (p) the Air Pollution Control (Specified Processes) Regulations (Cap. 311 sub. leg. F) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, those

Regulations be amended in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for the Environment" -

- (i) Form 5 in the Second Schedule;
 - (ii) the heading of the Fourth Schedule;
 - (iii) item 8 of the Fourth Schedule;
 - (iv) the heading of the Fifth Schedule;
- (q) the Industrial Training (Construction Industry) Ordinance (Cap. 317) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 6(1)(da) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Development";
- (r) the Waste Disposal Ordinance (Cap. 354) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";
- (s) the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg. L) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Regulation

be amended in section 8 by repealing
"Secretary for the Environment, Transport and
Works" and substituting "Secretary";

- (t) the Waste Disposal (Charges for Disposal of
Construction Waste) Regulation (Cap. 354 sub.
leg. N) be transferred to the Secretary for
the Environment and, for the purpose of giving
full effect to such transfer, that Regulation
be amended in section 1 by repealing
"Secretary for the Environment, Transport and
Works" and substituting "Secretary for the
Environment";
- (u) the Water Pollution Control Ordinance (Cap.
358) be transferred to the Secretary for the
Environment and, for the purpose of giving
full effect to such transfer, that Ordinance
be amended in the definition of "Secretary" in
section 2(1) by repealing "Secretary for the
Environment, Transport and Works" and
substituting "Secretary for the Environment";
- (v) the Water Pollution Control (Appeal Board)
Regulations (Cap. 358 sub. leg. C) be
transferred to the Secretary for the
Environment and, for the purpose of giving
full effect to such transfer, those
Regulations be amended in the Schedule, in
Form 1, by repealing "*Secretary for the
Environment, Transport and Works*" and
substituting "*Secretary for the Environment*";

(w) the Roads (Works, Use and Compensation) Ordinance (Cap. 370) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer -

(i) the Roads (Works, Use and Compensation) Ordinance (Cap. 370) be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";

(ii) the Specification of Public Offices (Cap. 1 sub. leg. C) be amended in column 1 of the Schedule by repealing "Secretary for the Environment, Transport and Works" where it appears opposite to "Roads (Works, Use and Compensation) Ordinance (Chapter 370)." in column 2 and substituting "Secretary for Transport and Housing";

(x) the Kowloon-Canton Railway Corporation Ordinance (Cap. 372) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for the Environment, Transport and Works"

wherever it appears and substituting

"Secretary for Transport and Housing" -

- (i) section 4(1)(a);
 - (ii) section 30(1);
 - (iii) the proviso of paragraph 8 of the Second Schedule;
 - (iv) paragraph 14 of the Second Schedule;
 - (v) paragraph 1(2) of the Third Schedule;
 - (vi) paragraph 2 of the Third Schedule;
- (y) the Kowloon-Canton Railway Corporation Regulations (Cap. 372 sub. leg. A) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended -
- (i) in the definition of "Secretary" in regulation 1A by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";
 - (ii) in regulation 14(7) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary";
- (z) the Road Traffic Ordinance (Cap. 374) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be

amended in the following provisions by
repealing "Secretary for the Environment,
Transport and Works" wherever it appears and
substituting "Secretary for Transport and
Housing" -

- (i) the definition of "prescribed limit"
in section 2;
- (ii) section 5(1);
- (iii) section 5(2)(a);
- (iv) section 6(1);
- (v) section 7(1);
- (vi) section 8(1);
- (vii) section 9(1);
- (viii) section 10(1);
- (ix) section 11;
- (x) section 12(1);
- (xi) section 12A(1);
- (xii) section 16(2);
- (xiii) section 16(4);
- (xiv) section 17(1);
- (xv) section 17(2)(a);
- (xvi) section 21(2);
- (xvii) section 39G(1);
- (xviii) section 88B(3);
- (xix) section 102B(4);
- (xx) section 109(1);
- (xxi) section 109(2);
- (xxii) section 116(1);
- (xxiii) section 121(2);

- (xxiv) paragraph (b) of the definition of "expressway works" in section 122;
 - (xxv) section 131(1);
- (aa) the Road Traffic (Parking) Regulations (Cap. 374 sub. leg. C) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Transport and Housing" -
- (i) regulation 12(5);
 - (ii) regulation 17(1);
 - (iii) regulation 17(1)(c);
 - (iv) regulation 17(3);
- (ab) the Road Traffic (Expressway) Regulations (Cap. 374 sub. leg. Q) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, those Regulations be amended in regulation 28 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";
- (ac) the Tate's Cairn Tunnel Ordinance (Cap. 393) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer -

- (i) the Tate's Cairn Tunnel Ordinance (Cap. 393) be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";
- (ii) the Specification of Public Offices (Cap. 1 sub. leg. C) be amended in column 1 of the Schedule by repealing "Secretary for the Environment, Transport and Works" where it appears opposite to "Tate's Cairn Tunnel Ordinance (Chapter 393)." in column 2 and substituting "Secretary for Transport and Housing";
- (ad) the Noise Control Ordinance (Cap. 400) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";
- (ae) the Noise Control (Appeal Board) Regulations (Cap. 400 sub. leg. B) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, those Regulations be amended in the

Schedule, in Forms 1, 2 and 2A, by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for the Environment";

- (af) the Ozone Layer Protection Ordinance (Cap. 403) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";
- (ag) the Architects Registration Ordinance (Cap. 408) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 7(6) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Development";
- (ah) the Engineers Registration Ordinance (Cap. 409) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 6(6) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Development";
- (ai) the Surveyors Registration Ordinance (Cap. 417) be transferred to the Secretary for

Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 6(6) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Development";

(aj) the Planners Registration Ordinance (Cap. 418) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 6(6) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Development";

(ak) the Western Harbour Crossing Ordinance (Cap. 436) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Transport and Housing" -

(i) the definition of "Secretary" in section 2(1);

(ii) section 38(2)(b);

(al) the Land Drainage Ordinance (Cap. 446) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in

the definition of "Secretary" in section 2 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Development";

(am) the Environment and Conservation Fund Ordinance (Cap. 450) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended -

(i) in the definition of "Secretary" in section 2 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";

(ii) in section 10 -

(A) in paragraph (a), by repealing "and" at the end;

(B) in paragraph (b), by repealing everything after "1 July 2002" and substituting "but before 1 July 2007 as if done by the Secretary for the Environment, Transport and Works; and";

(C) by adding -

"(c) on and after 1 July 2007 as if done by the Secretary for the Environment.";

(an) the Sewage Services Ordinance (Cap. 463) be transferred to the Secretary for the Environment and, for the purpose of giving

full effect to such transfer, that Ordinance be amended in section 13(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";

(ao) the Sewage Services (Trade Effluent Surcharge) Regulation (Cap. 463 sub. leg. B) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 4(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";

(ap) the Dumping at Sea Ordinance (Cap. 466) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for the Environment" -

(i) section 1(2);

(ii) section 4(2);

(aq) the Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap. 470) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1)

by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Development";

(ar) the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Transport and Housing" -

(i) the definition of "Secretary" in section 2(1);

(ii) section 17(1);

(iii) section 32(3)(b);

(as) the Marine Parks Ordinance (Cap. 476) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 20(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";

(at) the Marine Parks and Marine Reserves Regulation (Cap. 476 sub. leg. A) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 18(1) by repealing

"Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";

(au) the Airport Authority (Automated People Mover) (Safety) Regulation (Cap. 483 sub. leg. C) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Regulation be amended -

(i) in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Transport and Housing" -

(A) paragraph (b) of the definition of "automated people mover premises" in section 1;

(B) section 5(1);

(C) section 5(2);

(D) section 6(1);

(E) section 6(3);

(F) section 6(4);

(G) section 11;

(ii) in the heading of section 6 by repealing "**Secretary for the Environment, Transport and Works**" and substituting "**Secretary for Transport and Housing**";

- (av) the Tsing Ma Control Area Ordinance (Cap. 498) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Transport and Housing";
- (aw) the Environmental Impact Assessment Ordinance (Cap. 499) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in Schedule 1 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";
- (ax) the Landscape Architects Registration Ordinance (Cap. 516) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 6(6) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Development";
- (ay) the Railways Ordinance (Cap. 519) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in

section 2 by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";

- (az) the Discovery Bay Tunnel Link Ordinance (Cap. 520) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";
- (ba) the Mass Transit Railway Ordinance (Cap. 556) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for Transport and Housing";
- (bb) the Construction Workers Registration Ordinance (Cap. 583) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it

appears and substituting "Secretary for Development" -

(i) section 1(2);

(ii) the definition of "Secretary" in section 2(1);

(bc) the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for the Environment, Transport and Works" and substituting "Secretary for the Environment";

(bd) the Construction Industry Council Ordinance (Cap. 587) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for the Environment, Transport and Works" wherever it appears and substituting "Secretary for Development" -

(i) section 1(2);

(ii) the definition of "Secretary" in section 2(1);

(be) the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2004 (L.N. 165 of 2004) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Regulation

be amended in section 1 by repealing
"Secretary for the Environment, Transport and
Works" and substituting "Secretary for the
Environment";

(bf) the Waste Disposal (Amendment) Ordinance 2006
(6 of 2006) be transferred to the Secretary
for the Environment and, for the purpose of
giving full effect to such transfer, that
Ordinance be amended in section 1(2) by
repealing "Secretary for the Environment,
Transport and Works" and substituting
"Secretary for the Environment";

(9) the functions exercisable by the Secretary for
Health, Welfare and Food by virtue of -

(a) the Dutiable Commodities Ordinance (Cap. 109)
be transferred to the Secretary for Food and
Health and, for the purpose of giving full
effect to such transfer, that Ordinance be
amended -

(i) in the following provisions by
repealing "Secretary for Health,
Welfare and Food" wherever it
appears and substituting "Secretary
for Food and Health" -

(A) section 6(4A)(a);

(B) section 6A;

(ii) in the heading of section 6A by
repealing "**Secretary for Health,
Welfare and Food**" and substituting
"**Secretary for Food and Health**";

(b) the Dutiable Commodities (Liquor) Regulations (Cap. 109 sub. leg. B) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, those Regulations be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -

- (i) the definition of "prescribed fee" in regulation 2(1);
- (ii) regulation 2A(5);
- (iii) regulation 2A(6);

(c) the Hospital Authority Ordinance (Cap. 113) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended -

- (i) in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -
 - (A) section 4(d);
 - (B) section 5(1);
 - (C) section 5(n);
 - (D) section 8(2);
 - (E) section 8(3);
 - (F) section 9(2);
 - (G) section 10(4);

- (H) section 16;
- (I) section 17;
- (J) section 18(6);
- (K) paragraph 6(1) of Schedule 3;
- (L) paragraph 18(1) of Schedule 3;
- (M) paragraph 18(2)(b) of Schedule 3;

(ii) in the heading of the following provisions by repealing "**Secretary for Health, Welfare and Food**" wherever it appears and substituting "**Secretary for Food and Health**" -

- (A) section 16;
- (B) section 17;

(d) the Public Health and Municipal Services Ordinance (Cap. 132) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -

- (i) section 55(6)(b)(i);
- (ii) section 55(6)(b)(ii);
- (iii) section 55(6)(d)(i);
- (iv) section 55(6)(d)(ii);
- (v) section 125I(1);
- (vi) section 125I(1)(b);
- (vii) section 125I(2);
- (viii) section 128D(6);

(ix) section 128D(20);

- (x) the entries relating to sections 15, 26, 28, 29, 35, 42, 49, 77, 80, 83A, 92B, 94A, 104, 116, 123, 123C, 124E and 124I in the Third Schedule;
- (e) the Milk Regulation (Cap. 132 sub. leg. AQ) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 4 by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";
- (f) the Pesticides Ordinance (Cap. 133) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -
 - (i) section 19(1B);
 - (ii) section 19(1C);
- (g) the Mental Health Ordinance (Cap. 136) be transferred to the Secretary for Food and Health or the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended -
 - (i) in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it

appears and substituting "Secretary for Food and Health" -

- (A) section 42B(6)(c);
- (B) the definition of "special treatment" in section 59ZA;
- (C) section 59ZC(1);
- (D) section 72(1);

(ii) in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Labour and Welfare" -

- (A) section 44B(5);
- (B) section 59Z(1);
- (C) section 73;
- (D) section 3 of the Schedule;

(iii) by repealing section 74(4)(b) and substituting -

- "(b) on and after 1 July 2002 but before 1 July 2007, as if they had been made by the Secretary for Health, Welfare and Food; and
- (c) on and after 1 July 2007, as if they had been made by the Secretary for Food and Health.";

(h) the Mental Health Regulations (Cap. 136 sub. leg. A) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, those Regulations be amended in the Schedule, in

Form 12, by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";

- (i) the Pharmacy and Poisons Ordinance (Cap. 138) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 30(10) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";
- (j) the Quarantine and Prevention of Disease Ordinance (Cap. 141) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 8(5) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";
- (k) the Dentists Registration Ordinance (Cap. 156) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -

- (i) section 29(1A);
 - (ii) section 29(1C);
- (l) the Medical Registration Ordinance (Cap. 161) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -
 - (i) section 21B(2)(f);
 - (ii) section 33(3);
 - (iii) section 33(5);
- (m) the Midwives Registration Ordinance (Cap. 162) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -
 - (i) section 23(2);
 - (ii) section 23(3);
- (n) the Nurses Registration Ordinance (Cap. 164) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and

Food" wherever it appears and substituting
"Secretary for Food and Health" -

(i) section 27(2);

(ii) section 27(3);

(o) the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 7(1) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";

(p) the Dogs and Cats Ordinance (Cap. 167) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";

(q) the Volunteer and Naval Volunteer Pensions Ordinance (Cap. 202) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Labour and Welfare" -

(i) section 35(1);

- (ii) section 35(2);
- (r) the Protection of Children and Juveniles Ordinance (Cap. 213) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Labour and Welfare" -

- (i) section 39(1);

- (ii) section 39(1B);

- (s) the Reformatory Schools Ordinance (Cap. 225) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended -

- (i) in the heading of the following provisions by repealing "**Secretary for Health, Welfare and Food**" wherever it appears and substituting "**Secretary for Labour and Welfare**" -

- (A) section 10;

- (B) section 13;

- (ii) in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Labour and Welfare" -

- (A) section 10(1);

(B) section 11;

(C) section 13;

(D) section 38;

(t) the Child Care Services Ordinance (Cap. 243) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 18(2A) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Labour and Welfare";

(u) the Agricultural Products (Marketing) Ordinance (Cap. 277) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 4(6) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";

(v) the Adoption Ordinance (Cap. 290) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Labour and Welfare" -

(i) section 20D(1);

(ii) section 20J(1);

(iii) section 32;

- (w) the Probation of Offenders Ordinance (Cap. 298) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 12(1) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Labour and Welfare";
- (x) the Animals (Control of Experiments) Ordinance (Cap. 340) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -
 - (i) section 13(1);
 - (ii) section 13(4);
- (y) the Medical Clinics Ordinance (Cap. 343) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 15(1) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";
- (z) the Supplementary Medical Professions Ordinance (Cap. 359) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the

following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -

- (i) section 29(1A);
- (ii) section 29(1B);
- (iii) section 29(3);

(aa) the Smoking (Public Health) Ordinance (Cap. 371) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended -

- (i) in the definition of "Secretary" in section 2 by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";
- (ii) in section 16A by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary";

(ab) the Community Service Orders Ordinance (Cap. 378) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Labour and Welfare" -

(i) section 13;

(ii) section 14;

(ac) the Hong Kong War Memorial Pensions Ordinance (Cap. 386) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Labour and Welfare";

(ad) the Hong Kong Council on Smoking and Health Ordinance (Cap. 389) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -

(i) section 16;

(ii) section 17(4);

(iii) section 17(6);

(ae) the Rabies Ordinance (Cap. 421) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";

(af) the Chiropractors Registration Ordinance (Cap. 428) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 4(6) of the Schedule by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";

(ag) the Bedspace Apartments Ordinance (Cap. 447) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 3(1)(e) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Labour and Welfare";

(ah) the Residential Care Homes (Elderly Persons) Regulation (Cap. 459 sub. leg. A) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Regulation be amended -

(i) in the heading of section 10 by repealing "**Secretary for Health, Welfare and Food**" and substituting "**Secretary for Labour and Welfare**";

(ii) in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Labour and Welfare" -

(A) section 10(1);

(B) section 10(2);

(C) section 10(3);

(iii) in section 10(4), in the Chinese text, by repealing "衛生福利及食物局局長" and substituting "勞工及福利局局長";

(ai) the Residential Care Homes (Elderly Persons) (Appeal Board) Regulation (Cap. 459 sub. leg. B) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Regulation be amended in the following provisions by repealing "Secretary for Health, Welfare and

Food" wherever it appears and substituting
"Secretary for Labour and Welfare" -

(i) section 16;

(ii) Form 1 in the Schedule;

(aj) the Human Organ Transplant Ordinance (Cap. 465) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";

(ak) the Disability Discrimination Ordinance (Cap. 487) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Labour and Welfare" -

(i) section 65(3);

(ii) section 86(1);

(iii) section 87(1);

(al) the Plant Varieties Protection Ordinance (Cap. 490) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and

Food" wherever it appears and substituting
"Secretary for Food and Health" -

(i) section 4(2);

(ii) section 42(1);

(am) the Whaling Industry (Regulation) Ordinance
(Cap. 496) be transferred to the Secretary for
Food and Health and, for the purpose of giving
full effect to such transfer, that Ordinance
be amended in the following provisions by
repealing "Secretary for Health, Welfare and
Food" wherever it appears and substituting
"Secretary for Food and Health" -

(i) the definition of "licensing
authority" in section 2;

(ii) section 4(5);

(iii) section 5(1);

(an) the Coroners Ordinance (Cap. 504) be
transferred to the Secretary for Food and
Health and, for the purpose of giving full
effect to such transfer, that Ordinance be
amended in section 5(1) by repealing
"Secretary for Health, Welfare and Food" and
substituting "Secretary for Food and Health";

(ao) the Social Workers Registration Ordinance
(Cap. 505) be transferred to the Secretary for
Labour and Welfare and, for the purpose of
giving full effect to such transfer, that
Ordinance be amended in the definition of
"Secretary" in section 2(1) by repealing
"Secretary for Health, Welfare and Food" and

substituting "Secretary for Labour and Welfare";

(ap) the Veterinary Surgeons Registration Ordinance (Cap. 529) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -

- (i) section 3(2);
- (ii) section 3(2)(c);
- (iii) section 4(2);
- (iv) section 5(h);
- (v) section 7(1);
- (vi) section 28(1);
- (vii) section 29(2);
- (viii) section 1(2) of Schedule 1;
- (ix) section 2 of Schedule 1;
- (x) section 3(6) of Schedule 1;

(aq) the Chinese Medicine Ordinance (Cap. 549) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -

- (i) section 1(2);

- (ii) the definition of "Secretary" in section 2(1);
- (ar) the Chinese Medicine (Fees) Regulation (Cap. 549 sub. leg. E) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 1 by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";
- (as) the Chinese Medicines Regulation (Cap. 549 sub. leg. F) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Regulation be amended in section 1 by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";
- (at) the Human Reproductive Technology Ordinance (Cap. 561) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -
 - (i) section 1(2);
 - (ii) section 2(2);
 - (iii) section 2(10);
 - (iv) section 4(2)(j);

- (v) section 4(4);
 - (vi) section 5(1)(a);
 - (vii) section 6(5);
 - (viii) section 45(1);
 - (ix) section 45(1)(b);
 - (x) section 46;
- (au) the Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 17 by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";
- (av) the Po Leung Kuk Ordinance (Cap. 1040) be transferred to the Secretary for Labour and Welfare and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Labour and Welfare" -
- (i) paragraph 18(2)(b) of the Schedule;
 - (ii) paragraph 18(7) of the Schedule;
 - (iii) paragraph 19(3) of the Schedule;
- (aw) the Tung Wah Group of Hospitals Ordinance (Cap. 1051) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following

provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -

- (i) paragraph 19(2)(aa) of the Schedule;
 - (ii) paragraph 19(7) of the Schedule;
 - (iii) paragraph 20(3) of the Schedule;
- (ax) the Pok Oi Hospital Incorporation Ordinance (Cap. 1068) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the proviso of section 4(4) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";
- (ay) the Yan Chai Hospital Ordinance (Cap. 1106) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Health, Welfare and Food" wherever it appears and substituting "Secretary for Food and Health" -
- (i) section 3(1);
 - (ii) section 3(2);
 - (iii) section 3(3);
 - (iv) the proviso of section 7(1);
- (az) the Nurses Registration (Amendment) Ordinance 1997 (82 of 1997) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such

transfer, that Ordinance be amended in section 1(2) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";

(ba) the Human Organ Transplant (Amendment) Ordinance 2004 (29 of 2004) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 1(2) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";

(bb) the Undesirable Medical Advertisements (Amendment) Ordinance 2005 (16 of 2005) be transferred to the Secretary for Food and Health and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 1(2) by repealing "Secretary for Health, Welfare and Food" and substituting "Secretary for Food and Health";

(10) the functions exercisable by the Secretary for Home Affairs by virtue of -

(a) the Antiquities and Monuments Ordinance (Cap. 53) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Authority" in section 2 by repealing "Secretary for Home Affairs" and substituting "Secretary for Development";

(b) the Sex Discrimination Ordinance (Cap. 480) (except the function under section 35(5) of that Ordinance) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer -

(i) the Sex Discrimination Ordinance (Cap. 480) be amended in the following provisions by repealing "Secretary for Home Affairs" wherever it appears and substituting "Secretary for Constitutional and Mainland Affairs" -

(A) section 65(3);

(B) section 89(1);

(C) section 4 of Schedule 6;

(D) section 14(1) of Schedule 6;

(E) section 14(2)(b) of Schedule 6;

(F) section 16(2) of Schedule 6;

(G) section 16(3) of Schedule 6;

- (H) section 17(2) of Schedule 6;
- (ii) the Specification of Public Office (L.N. 192 of 2003) be amended -
 - (A) in column 2 of the Schedule by repealing "Sex Discrimination Ordinance (Chapter 480), section 65(3) and Schedule 6 (sections 16(2) and (3) and 17(2)).";
 - (B) in the Schedule by adding at the end -

"Secretary for	Sex
Constitutional	Discrimination
and Mainland	Ordinance
Affairs	(Chapter 480),
	section 65(3)
	and Schedule 6
	(sections
	16(2) and (3)
	and 17(2)).";

- (c) the Personal Data (Privacy) Ordinance (Cap. 486) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer -

- (i) the Personal Data (Privacy) Ordinance (Cap. 486) be amended in the following provisions by repealing "Secretary for Home Affairs" wherever it appears and substituting "Secretary for

Constitutional and Mainland

Affairs" -

- (A) section 1(2);
 - (B) section 11(2)(b);
 - (C) section 11(3);
 - (D) section 11(4);
 - (E) section 14(6);
 - (F) section 70(1);
 - (G) section 2(2) of Schedule 2;
 - (H) section 2(3) of Schedule 2;
 - (I) section 3(2) of Schedule 2;
- (ii) the Specification of Public Office (L.N. 192 of 2003) be amended -
- (A) in column 2 of the Schedule by repealing "Personal Data (Privacy) Ordinance (Chapter 486), section 14(6) and Schedule 2 (sections 2(2) and (3) and 3(2)).";
 - (B) in column 2 of the Schedule by adding -
"Personal Data (Privacy) Ordinance (Chapter 486), section 14(6) and Schedule 2 (sections 2(2) and (3) and 3(2))."
- after -

"Sex Discrimination Ordinance

(Chapter 480), section 65(3) and
Schedule 6 (sections 16(2) and
(3) and 17(2)).";

- (d) the Family Status Discrimination Ordinance (Cap. 527) be transferred to the Secretary for Constitutional and Mainland Affairs and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 67(1) by repealing "Secretary for Home Affairs" and substituting "Secretary for Constitutional and Mainland Affairs";
- (11) the functions exercisable by the Secretary for Housing, Planning and Lands by virtue of -
 - (a) the High Court Ordinance (Cap. 4) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 21F(3A) by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for Development";
 - (b) the Buildings Ordinance (Cap. 123) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended -
 - (i) in the following provisions by repealing "Secretary for Housing, Planning and Lands" wherever it appears and substituting "Secretary for Development" -

- (A) section 5(1);
- (B) section 5(3A);
- (C) section 5AA(2)(a);
- (D) section 11(1);
- (E) section 11(4A);
- (F) section 11AA(2)(a);
- (G) section 38(1);
- (H) the proviso of section 38(5);
- (I) section 39A(1);
- (J) section 46(2)(a);

(ii) in the following provisions, in the Chinese text, by repealing “房屋及規劃地政局局長” wherever it appears and substituting “發展局局長” -

- (A) section 39A(2);
- (B) section 39A(3);
- (C) section 39A(6);
- (D) section 39A(9);
- (E) section 39A(10);

(c) the Town Planning Ordinance (Cap. 131) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended -

(i) in the following provisions by repealing “Secretary for Housing, Planning and Lands” wherever it appears and substituting “Secretary for Development” -

- (A) section 14(2);
- (B) section 24(1);

- (ii) in the following provisions, in the Chinese text, by repealing “房屋及規劃地政局局長” wherever it appears and substituting “發展局局長” -
 - (A) section 24(2);
 - (B) section 24(3);
- (d) the Aerial Ropeways (Safety) Ordinance (Cap. 211) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 28(1) by repealing “Secretary for Housing, Planning and Lands” and substituting “Secretary for Development”;
- (e) the Eastern Harbour Crossing Ordinance (Cap. 215) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 21(3) by repealing “Secretary for Housing, Planning and Lands” and substituting “Secretary for Development”;
- (f) the Housing Ordinance (Cap. 283) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing “Secretary for Housing, Planning and Lands” wherever it appears and substituting “Secretary for Transport and Housing” -
 - (i) section 14(4);
 - (ii) section 15(2);

- (g) the Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for Development";
- (h) the Lifts and Escalators (Safety) Ordinance (Cap. 327) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2(1) by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for Development";
- (i) the District Court Ordinance (Cap. 336) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 69(3A) by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for Development";
- (j) the Electricity Networks (Statutory Easements) Ordinance (Cap. 357) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for

Housing, Planning and Lands" wherever it appears and substituting "Secretary for Development" -

- (i) the definition of "approved scheme" in section 2;
 - (ii) section 3(1);
 - (iii) section 7(1);
 - (iv) section 9(2);
 - (v) section 9(3);
 - (vi) section 9(4);
- (k) the Tate's Cairn Tunnel Ordinance (Cap. 393) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 16(3) by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for Development";
- (l) the Western Harbour Crossing Ordinance (Cap. 436) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 15(2) by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for Development";
- (m) the Sewage Tunnels (Statutory Easements) Ordinance (Cap. 438) be transferred to the Secretary for the Environment and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by

repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for the Environment";

- (n) the Registrar General (Establishment) (Transfer of Functions and Repeal) Ordinance (Cap. 439) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 31 by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for Development";
- (o) the Land Survey Ordinance (Cap. 473) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the definition of "Secretary" in section 2 by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for Development";

- (p) the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 15(2) by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for Development";
- (q) the Estate Agents Ordinance (Cap. 511) be transferred to the Secretary for Transport and Housing and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Housing, Planning and Lands" wherever it appears and substituting "Secretary for Transport and Housing" -
- (i) section 1(2);
 - (ii) the definition of "Secretary" in section 2(1);
- (r) the Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 12(1) by repealing "Secretary for Housing, Planning and Lands" and substituting "Secretary for Development";

(s) the Urban Renewal Authority Ordinance (Cap. 563) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Housing, Planning and Lands" wherever it appears and substituting "Secretary for Development" -

(i) the definition of "Secretary" in section 2;

(ii) section 36(10);

(t) the Land Titles Ordinance (Cap. 585) be transferred to the Secretary for Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing "Secretary for Housing, Planning and Lands" wherever it appears and substituting "Secretary for Development" -

(i) section 1(2);

(ii) the definition of "Secretary" in section 2(1);

(12) 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 2007 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 shall 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 2007, 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 2007, 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 shall 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 2007,

shall 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 2007,

the new officer shall 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 such decision reviewed,

that is subsisting immediately before 1 July 2007 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 2007 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 2007 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 2007 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 shall be construed as references to the new officer;

(13) in addition to and without derogating from section 23 of the Interpretation and General Clauses Ordinance (Cap. 1) -

- (a) the corporation sole known as the "Permanent Secretary for Education" constituted by section 3(3) of the Education Scholarships Fund Ordinance (Cap. 1085) as amended by this Resolution is deemed to be a continuation of and the same legal entity as the corporation sole known as the "Permanent Secretary for Education and Manpower" constituted by that section before 1 July 2007;
- (b) all property, rights and liabilities to which the corporation sole known as the "Permanent Secretary for Education and Manpower" was entitled or subject immediately before 1 July 2007 are deemed to be vested, without any actual transfer or conveyance, in the corporation sole known as the "Permanent Secretary for Education";
- (c) nothing in this Resolution affects the legality and validity of anything done by the corporation sole known as the "Permanent Secretary for Education and Manpower" before 1 July 2007;
- (d) without limiting subparagraphs (a), (b) and (c) -
 - (i) a reference to the corporation sole known as the "Permanent Secretary for Education and Manpower" -

- (A) in any agreement, arrangement or contract or in any deed, bond or any other instrument;
- (B) in any process or other document issued, prepared or employed for the purpose of any proceeding before a court, tribunal or similar body; and
- (C) in any other document whatsoever (other than an enactment) relating to or affecting any property, right or liability of the corporation sole known as the "Permanent Secretary for Education and Manpower" which vests in the corporation sole known as the "Permanent Secretary for Education" by virtue of subparagraph (b),

shall be taken as from 1 July 2007 as referring to the corporation sole known as the "Permanent Secretary for Education";

- (ii) the record of property of the corporation sole known as the "Permanent Secretary for Education and Manpower" immediately before 1 July 2007 that is in the form of any entry in the books of a bank, company or other corporation is to

- be transferred in those books to the corporation sole known as the "Permanent Secretary for Education" on the request of the corporation sole known as the "Permanent Secretary for Education" by the bank, company or other corporation;
- (iii) where the corporation sole known as the "Permanent Secretary for Education and Manpower" is the trustee of any trust, the corporation sole known as the "Permanent Secretary for Education" shall with effect from 1 July 2007 continue as trustee of that trust in substitution of the corporation sole known as the "Permanent Secretary for Education and Manpower";
- (iv) the corporation sole known as the "Permanent Secretary for Education" may sue on, recover or enforce any property or right vested in it under subparagraph (b) and may be sued for any liabilities to which it is subject under that subparagraph;
- (v) the corporation sole known as the "Permanent Secretary for Education" may sue on, recover or enforce a chose in action vested in it under subparagraph (b) without having to

- give a notice of transfer to the person bound by the chose in action;
- (vi) any claim by or against the corporation sole known as the "Permanent Secretary for Education and Manpower" in any judicial or administrative proceedings that is subsisting immediately before 1 July 2007 does not abate by reason of the making and passing of this Resolution and may be continued or enforced by or against the corporation sole known as the "Permanent Secretary for Education";
- (vii) in any judicial or administrative proceedings that is subsisting immediately before 1 July 2007 in which the corporation sole known as the "Permanent Secretary for Education and Manpower" is a party, the corporation sole known as the "Permanent Secretary for Education" shall, on and from that date, substitute for the corporation sole known as the "Permanent Secretary for Education and Manpower" as that party;
- (e) in this paragraph, a reference to property, rights and liabilities of the corporation sole

known as the "Permanent Secretary for Education and Manpower" is a reference to -

- (i) property and assets of every description (whether tangible or intangible) and rights and liabilities of every description (whether present or future, actual or contingent);
 - (ii) property wherever situated or rights and liabilities under the law of any place;
- (14) in addition to and without derogating from section 23 of the Interpretation and General Clauses Ordinance (Cap. 1) -
- (a) the corporation sole known as the "Permanent Secretary for Education Incorporated" constituted by section 2 of the Permanent Secretary for Education and Manpower Incorporation Ordinance (Cap. 1098) as amended by this Resolution is deemed to be a continuation of and the same legal entity as the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" constituted by that section before 1 July 2007;
 - (b) all property, rights and liabilities to which the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" was entitled or subject immediately before 1 July 2007 are deemed to

be vested, without any actual transfer or conveyance, in the corporation sole known as the "Permanent Secretary for Education Incorporated";

(c) nothing in this Resolution affects the legality and validity of anything done by the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" before 1 July 2007;

(d) without limiting subparagraphs (a), (b) and (c) -

(i) a reference to the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" -

(A) in any agreement, arrangement or contract or in any deed, bond or any other instrument;

(B) in any process or other document issued, prepared or employed for the purpose of any proceeding before a court, tribunal or similar body; and

(C) in any other document whatsoever (other than an enactment) relating to or affecting any property, right or liability of the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" which

vests in the corporation sole known as the "Permanent Secretary for Education Incorporated" by virtue of subparagraph (b), shall be taken as from 1 July 2007 as referring to the corporation sole known as the "Permanent Secretary for Education Incorporated";

- (ii) the record of property of the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" immediately before 1 July 2007 that is in the form of any entry in the books of a bank, company or other corporation is to be transferred in those books to the corporation sole known as the "Permanent Secretary for Education Incorporated" on the request of the corporation sole known as the "Permanent Secretary for Education Incorporated" by the bank, company or other corporation;
- (iii) where the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" is the trustee of any trust, the corporation sole known as the "Permanent Secretary for Education Incorporated" shall with effect from

1 July 2007 continue as trustee of that trust in substitution of the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated";

(iv) the corporation sole known as the "Permanent Secretary for Education Incorporated" may sue on, recover or enforce any property or right vested in it under subparagraph (b) and may be sued for any liabilities to which it is subject under that subparagraph;

(v) the corporation sole known as the "Permanent Secretary for Education Incorporated" may sue on, recover or enforce a chose in action vested in it under subparagraph (b) without having to give a notice of transfer to the person bound by the chose in action;

(vi) any claim by or against the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" in any judicial or administrative proceedings that is subsisting immediately before 1 July 2007 does not abate by reason of the making and passing of this Resolution and

may be continued or enforced by or against the corporation sole known as the "Permanent Secretary for Education Incorporated";

(vii) in any judicial or administrative proceedings that is subsisting immediately before 1 July 2007 in which the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" is a party, the corporation sole known as the "Permanent Secretary for Education Incorporated" shall, on and from that date, substitute for the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" as that party;

(e) in this paragraph, a reference to property, rights and liabilities of the corporation sole known as the "Permanent Secretary for Education and Manpower Incorporated" is a reference to -

(i) property and assets of every description (whether tangible or intangible) and rights and liabilities of every description (whether present or future, actual or contingent);

(ii) property wherever situated or rights
and liabilities under the law of any
place.

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Appendix 2

**Legislative Council sitting on 13 June 2007:
Proposed Resolution under the
Interpretation and General Clauses Ordinance**

Draft Speech of the Secretary for Constitutional Affairs

Madam 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 2007 pursuant to the re-organisation proposal as announced by the Chief Executive (CE) on 3 May 2007.

The re-organisation serves two key objectives. Firstly, the reorganisation aims to rationalise the distribution of responsibilities between policy bureaux. Putting related responsibilities under one bureau will help optimise the synergy and enable the Government to sharpen its focus on important and complex issues. Secondly, the proposal will better facilitate implementation of the priority policy initiatives pledged by the CE to meet the opportunities and challenges of Hong Kong ahead.

After the re-organisation, there will be 12 Directors of Bureau, with the net addition of one, being the Secretary for Labour and Welfare. In addition, the re-organisation also involves realignment of the portfolios

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of some of the existing Directors of Bureau. The re-organisation proposal was set out in the Legislative Council (LegCo) Brief on “Re-organisation of Policy Bureaux of the Government Secretariat” issued to Members on 3 May. Where the re-organisation involves transfer of statutory functions from one bureau to another, legislative amendments are required to give legal effect to the transfer. The legislative amendments will need to come into force on 1 July 2007. Such legislative amendments, in draft form, were set out in the LegCo Brief issued on 9 May 2007. The resolution was discussed in the LegCo Panel on Constitutional Affairs and the Subcommittee under the House Committee.

I wish to explain the aspects covered by the Government’s resolution under section 54A of Cap. 1.

The proposed Resolution provides that the statutory functions currently exercisable by the named existing Directors of Bureau be transferred to the named Directors of Bureau after the re-organisation. 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 Director of Bureau by the new title of the Director of Bureau in whom policy responsibility for the provisions in question is to be vested with effect from 1 July 2007. Where appropriate, the proposed resolution also covers the titles of Permanent Secretaries and policy bureaux involved.

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After the passage of the proposed resolution, the Chief Executive in Council will make an order to amend the list of public officers specified in Schedule 6 to Cap. 1. The Order will also have to come into force on 1 July 2007.

Over the past few years, we have, in the context of consulting the community and Members of LegCo and various advisory groups, received feedback that there is a need to review the existing alignment of policy responsibilities to take account of the changes in workload and scope of various policies. The re-organisation proposal is a considered response to these comments and it is generally supported by different political parties and political groups, and also by the community as a whole. I would like to appeal to Honourable Members to vote in favour of the Government's resolution, so that the re-organisation of policy bureaux of the Government Secretariat can take effect from 1 July 2007 in conjunction with the commencement of the third term HKSAR Government.

Thank you, Madam President.