

**Subcommittee on Legislative Amendments Relating to the Proposed  
Re-organisation of Policy Bureaux of the Government Secretariat**

**Resolution under Section 54A of the  
Interpretation and General Clauses Ordinance (Cap. 1)**

**Transfer of Statutory Functions Currently Exercisable by the  
Secretary for Health, Welfare and Food**

**Introduction**

This paper sets out the transfer of statutory functions currently exercisable by the Secretary for Health, Welfare and Food (SHWF) to the Secretary for Food and Health or the Secretary for Labour and Welfare with effect from 1 July 2007.

**Background**

2. Pursuant to the re-organisation plan announced by the Chief Executive on 3 May 2007 and set out in the Legislative Council brief issued to Members on the same day, the following policy portfolios currently under the SHWF will be taken up by two Directors of Bureau with effect from 1 July 2007 :

- (a) matters relating to food safety, health and environmental hygiene will be transferred to the Secretary for Food and Health; and
- (b) matters relating to welfare will be transferred to the Secretary for Labour and Welfare.

The relevant statutory functions currently vested in SHWF will be transferred to these two Directors of Bureau accordingly.

3. The transfer of statutory functions is to be effected by way of a resolution made under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1). The Administration gave notice on 23 May 2007 in accordance with Rule 29(1) of the Rules of Procedure of the intention to move the Resolution at the Legislative Council meeting of 13 June 2007, and the latest version of the Resolution was attached to the notice. Paragraph (9) of the Resolution, at **Annex A**, provides that statutory functions currently exercisable by the SHWF by virtue of the specified ordinances be transferred to the Secretary for Food and Health or the Secretary for Labour and Welfare respectively.

4. The Resolution will not involve substantive amendments to the statutory functions (including powers and duties) provided for in the relevant ordinances. The Resolution will provide for the simple substitution of the current title of the SHWF by the new title of the relevant Directors of Bureau in whom policy responsibility for the provisions in question is to be vested with effect from 1 July 2007.

5. A summary of the major statutory functions of the SHWF under existing legislation to be transferred to the relevant Directors of Bureau and the textual amendments to the relevant ordinances is at **Annex B**.

### **Advice Sought**

6. Members are invited to consider paragraph (9) of the Resolution.

Constitutional Affairs Bureau  
Health, Welfare and Food Bureau  
May 2007

- (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";

**Statutory functions presently exercisable by the Secretary for Health, Welfare and Food (SHWF)  
which will be transferred to the Secretary for Food and Health (SFH) or the Secretary for Labour and Welfare (SLW)**

**(I) Statutory functions transferred to SFH**

<b>The Resolution</b>	<b>Cap</b>	<b>Description</b>	<b>Textual amendments provided for in the Resolution</b>
Paragraph (9)(a)	109 Dutiable Commodities Ordinance	<p>This ordinance amends the law relating to the taxation and control of liquors, tobacco, hydrocarbon oil, methyl alcohol and other substances, for providing for the licensing of certain dealings in liquors and for purposes connected therewith.</p> <p>Major functions to be transferred from SHWF to SFH are :</p> <ul style="list-style-type: none"><li>▪ power to appoint staff of the board established for the purpose of issuing liquor licence; and</li><li>▪ power to make regulations prescribing fees for liquor licences.</li></ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長” :</p> <ul style="list-style-type: none"><li>▪ section 6(4A)(a);</li><li>▪ section 6A; and</li><li>▪ the heading of section 6A.</li></ul>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(b)	109 B Dutiable Commodities (Liquor) Regulations	<p>These regulations provide for the establishment, composition and operation of the Liquor Licensing Board.</p> <p>Major functions to be transferred from SHWF to SFH are :</p> <ul style="list-style-type: none"> <li>▪ power to prescribe fees for liquor licences; and</li> <li>▪ power to appoint a secretary and a legal adviser to the Liquor Licensing Board.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長” :</p> <ul style="list-style-type: none"> <li>▪ the definition of “prescribed fee” in regulation 2(1);</li> <li>▪ regulation 2A(5); and</li> <li>▪ regulation 2A(6).</li> </ul>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(c)	113 Hospital Authority Ordinance	<p>This ordinance provides for the establishment of a body corporate (Hospital Authority (HA)) to manage and control public hospitals for provision therein of hospital services and provides for matters incidental thereto.</p> <p>Major functions to be transferred from SHWF to SFH are:</p> <ul style="list-style-type: none"> <li>▪ power to direct HA to determine hospital service fees;</li> <li>▪ power to approve grants made by HA to other bodies;</li> <li>▪ power to approve establishment of body corporate by HA;</li> <li>▪ power to approve borrowing of money by HA;</li> <li>▪ power to approve investment of money by HA;</li> <li>▪ power to receive reports from HA and duty to table the report at the LegCo;</li> <li>▪ power to obtain information about property, liability and activities of HA; and</li> <li>▪ power to determine fees and allowance payable to members of HA Board and its committees.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”:</p> <ul style="list-style-type: none"> <li>▪ section 4(d);</li> <li>▪ section 5(1);</li> <li>▪ section 5(n);</li> <li>▪ section 8(2);</li> <li>▪ section 8(3);</li> <li>▪ section 9(2);</li> <li>▪ section 10(4);</li> <li>▪ section 16;</li> <li>▪ the heading of section 16;</li> <li>▪ section 17;</li> <li>▪ the heading of section 17;</li> <li>▪ section 18(6);</li> <li>▪ paragraph 6(1) of Schedule 3;</li> </ul>

<b>The Resolution</b>	<b>Cap</b>	<b>Description</b>	<b>Textual amendments provided for in the Resolution</b>
			<ul style="list-style-type: none"><li data-bbox="1568 287 1870 359">■ paragraph 18(1) of Schedule 3; and</li><li data-bbox="1568 375 1904 446">■ paragraph 18(2)(b) of Schedule 3.</li></ul>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(d)	132 Public Health and Municipal Services Ordinance	<p>This ordinance provides for public health and municipal services.</p> <p>Major functions to be transferred from SHWF to SFH are :</p> <ul style="list-style-type: none"> <li>■ power to make regulations as to composition of food and drugs, etc.;</li> <li>■ powers to appoint staff of the Licensing Appeals Board; and</li> <li>■ to be designated as the Authority for the purposes of 15, 26, 28, 29, 35, 42, 49, 77, 80, 83A, 92B, 94A, 104, 116, 123, 123C, 124E and 124I in the Third Schedule.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長” :</p> <ul style="list-style-type: none"> <li>■ section 55(6)(b)(i);</li> <li>■ section 55(6)(b)(ii);</li> <li>■ section 55(6)(d)(i);</li> <li>■ section 55(6)(d)(ii);</li> <li>■ section 125I(1);</li> <li>■ section 125I(1)(b);</li> <li>■ section 125I(2);</li> <li>■ section 128D(6);</li> <li>■ section 128D(20); and</li> <li>■ the entries relating to 15, 26, 28, 29, 35, 42, 49, 77, 80, 83A, 92B, 94A, 104, 116, 123, 123C, 124E and 124I in the Third Schedule.</li> </ul>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(e)	132AQ Milk Regulation	<p>The regulation secures the observance of sanitary and cleanly conditions and practices and wholesome methods in connection with-</p> <p>(a) the sale of food for human consumption or drugs for use by man; and</p> <p>(b) the manufacture, preparation, transport, storage, packaging; marking, exposure for sale, service or delivery of food intended for sale or sold for human consumption and drugs intended for sale or sold for use by man, and ice, or otherwise for the protection of the public health in connection with any such matters.</p> <p>Major function to be transferred from SHWF to SFH is :</p> <ul style="list-style-type: none"> <li>▪ power to amend Schedule 1 to the Regulation.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>Section 4 is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”.</p>
Paragraph (9)(f)	133 Pesticides Ordinance	<p>This ordinance provides for the registration and control of pesticides.</p> <p>Major function to be transferred from SHWF to SFH is :</p> <ul style="list-style-type: none"> <li>▪ power to make regulations.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長” :</p> <ul style="list-style-type: none"> <li>▪ section 19(1B); and</li> <li>▪ section 19(1C).</li> </ul>



The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(g)(i) and (iii)	136 Mental Health Ordinance	<p>This ordinance provides for the law relating to mental incapacity and the care and supervision of mentally incapacitated persons, etc.</p> <p>Major functions to be transferred from SHWF to SFH are:</p> <ul style="list-style-type: none"> <li>■ power to authorize medical officers to exercise the functions of medical superintendent;</li> <li>■ power to make regulations; and</li> <li>■ power to specify irreversible and controversial treatments and special treatments.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”:</p> <ul style="list-style-type: none"> <li>■ section 42B(6)(c);</li> <li>■ the definition of “special treatment” in section 59ZA;</li> <li>■ section 59ZC(1); and</li> <li>■ section 72(1).</li> </ul> <p>Section 74 is amended by repealing subsection (b):</p> <p>“(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</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
			(c) on and after 1 July 2007, as if they had been made by the Secretary for Food and Health.”
Paragraph (9)(h)	136A Mental Health Regulations	<p>These regulations prescribe the duties of medical superintendents, forms, handling of postal articles, and other matter relating to the administration of the principal ordinance.</p> <p>Major function to be transferred from SHWF to SFH is:</p> <ul style="list-style-type: none"> <li>■ function relating to recall of a conditionally discharged patient.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>In the Schedule to the Regulation, Form 12 is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”.</p>
Paragraph (9)(i)	138 Pharmacy and Poisons Ordinance	<p>This ordinance provides for registration of drugs and regulation of the practice of pharmacies and pharmacists.</p> <p>Major function to be transferred from SHWF to SFH is:</p> <ul style="list-style-type: none"> <li>■ power to make regulations on matters relating to Pharmacy and Poison Appeal Tribunal.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>Section 30(10) is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(j)	141 Quarantine and Prevention of Disease Ordinance	<p>This ordinance provides for the law relating to quarantine and the prevention of disease among human beings.</p> <p>Major function to be transferred from SHWF to SFH is:</p> <ul style="list-style-type: none"> <li>▪ power to vary prescribed fees.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>Section 8(5) is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”.</p>
Paragraph (9)(k)	156 Dentists Registration Ordinance	<p>This ordinance provides for registration and disciplinary control of dentists and regulates dental companies.</p> <p>Major function to be transferred from SHWF to SFH is:</p> <ul style="list-style-type: none"> <li>▪ powers to make and approve regulations.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”:</p> <ul style="list-style-type: none"> <li>▪ section 29(1A); and</li> <li>▪ section 29(1C).</li> </ul>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(l)	161 Medical Registration Ordinance	<p>This ordinance provides for registration and disciplinary control of medical practitioners.</p> <p>Major functions to be transferred from SHWF to SFH are:</p> <ul style="list-style-type: none"> <li>■ power to nominate assessors for disciplinary hearing; and</li> <li>■ powers to make and approve regulations.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”:</p> <ul style="list-style-type: none"> <li>■ section 21B(2)(f);</li> <li>■ section 33(3); and</li> <li>■ section 33(5).</li> </ul>
Paragraph (9)(m)	162 Midwives Registration Ordinance	<p>This ordinance provides for registration and disciplinary control of midwives.</p> <p>Major function to be transferred from SHWF to SFH is:</p> <ul style="list-style-type: none"> <li>■ powers to make and approve regulations.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”:</p> <ul style="list-style-type: none"> <li>■ section 23(2); and</li> <li>■ section 23(3).</li> </ul>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(n)	164 Nurses Registration Ordinance	<p>This ordinance provides for registration and disciplinary control of nurses.</p> <p>Major function to be transferred from SHWF to SFH is:</p> <ul style="list-style-type: none"> <li>▪ powers to make and approve regulations.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”:</p> <ul style="list-style-type: none"> <li>▪ section 27(2); and</li> <li>▪ section 27(3).</li> </ul>
Paragraph (9)(o)	165 Hospitals, Nursing Homes and Maternity Homes Registration Ordinance	<p>This ordinance provides for the registration and inspection of hospitals, nursing homes and maternity homes.</p> <p>Major function to be transferred from SHWF to SFH is:</p> <ul style="list-style-type: none"> <li>▪ power to make regulations on inspection of premises believed to be used for the purposes of a hospital or maternity home.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>Section 7(1) is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”.</p>
Paragraph (9)(p)	167 Dogs and Cats Ordinance	<p>This ordinance provides for the keeping, regulation and control of dogs and cats for the prohibition of the slaughter of dogs and cats.</p> <p>Major functions to be transferred from SHWF to SFH is :</p> <ul style="list-style-type: none"> <li>▪ power to amend any Schedule to the regulations.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>Section 2 is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(u)	277 Agricultural Products (Marketing) Ordinance	<p>This ordinance provides for the improvement of agriculture, the marketing of agricultural products, and encourages co-operative markets.</p> <p>Major functions to be transferred from SHWF to SFH is :</p> <ul style="list-style-type: none"> <li>▪ power to issue certificates as conclusive evidence for all purposes whatsoever as to who is or was the Director of Marketing for the purposes of this ordinance.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>Section 4(6) is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”.</p>
Paragraph (9)(x)	340 Animals (Control of Experiments) Ordinance	<p>This ordinance provides for the control of experiments on living vertebrate animals.</p> <p>Major function to be transferred from SHWF to SFH is:</p> <ul style="list-style-type: none"> <li>▪ power to make regulations.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長” :</p> <ul style="list-style-type: none"> <li>▪ section 13(1); and</li> <li>▪ section 13(4).</li> </ul>
Paragraph (9)(y)	343 Medical Clinics Ordinance	<p>This ordinance provides for the registration, control and inspection of medical clinics.</p> <p>Major function to be transferred from SHWF to SFH is:</p> <ul style="list-style-type: none"> <li>▪ power to make regulations to provide for the duties of persons in charge of clinics.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>Section 15(1) is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(z)	359 Supplementary Medical Professions Ordinance	<p>This ordinance provides for registration and disciplinary control of practitioners of supplementary medical professions.</p> <p>Major function to be transferred from SHWF to SFH is:</p> <ul style="list-style-type: none"> <li>▪ powers to make and approve regulations.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”:</p> <ul style="list-style-type: none"> <li>▪ section 29(1A);</li> <li>▪ section 29(1B); and</li> <li>▪ section 29(3).</li> </ul>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(aa)	371 Smoking (Public Health) Ordinance	<p>This ordinance prohibits smoking in certain areas and provides for the display of a health warning and other information on tobacco packets and in tobacco advertisements.</p> <p>Major functions to be transferred from SHWF to SFH are:</p> <ul style="list-style-type: none"> <li>■ power to authorize public officers to remove tobacco advertisements;</li> <li>■ power to amend schedules of designated no smoking areas and public transport carriers, etc;</li> <li>■ power to specify the form of no smoking notice, health warnings, etc.; and</li> <li>■ power to appoint members to the Appeal Board Panel constituted under Part 2 of Schedule 6 to the ordinance.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” in section 2 is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”.</p> <p>In section 16A, by repealing Secretary for Health, Welfare and Food and substituting “Secretary”.</p>



The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(ad)	389 Hong Kong Council on Smoking and Health Ordinance	<p>This ordinance provides for the establishment of the Hong Kong Council on Smoking and Health and its functions and powers.</p> <p>Major functions to be transferred from SHWF to SFH are:</p> <ul style="list-style-type: none"> <li>■ power to appoint deadline for submission of annual estimates for CE’s approval;</li> <li>■ power to approve appointment of an auditor; and</li> <li>■ power to receive report and duty to table the report at LegCo.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長” :</p> <ul style="list-style-type: none"> <li>■ section 16;</li> <li>■ section 17(4); and</li> <li>■ section 17(6).</li> </ul>
Paragraph (9)(ae)	421 Rabies Ordinance	<p>This ordinance provides for the prevention and control of rabies.</p> <p>Major functions to be transferred from SHWF to SFH are:</p> <ul style="list-style-type: none"> <li>■ power to appoint the Appeal Board Panel and the Appeal Board; and</li> <li>■ function relating to appeals lodged to the Appeal Board.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” in section 2 is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(af)	428 Chiropractors Registration Ordinance	<p>This ordinance provides for registration and disciplinary control of chiropractors.</p> <p>Major function to be transferred from SHWF to SFH is:</p> <ul style="list-style-type: none"> <li>▪ power to receive rules of procedures of meetings of the Chiropractors Council.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>Section 4(6) of the Schedule is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”.</p>
Paragraph (9)(aj)	465 Human Organ Transplant Ordinance	<p>This ordinance prohibits commercial dealings in human organs intended for transplanting, restricts the transplanting of human organs between persons who are not genetically related, and regulates the importing of human organs intended for transplanting.</p> <p>Major function to be transferred from SHWF to SFH is:</p> <ul style="list-style-type: none"> <li>▪ power to appoint chairman and members of the Human Organ Transplant Board.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” in section 2 is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(al)	490 Plant Varieties Protection Ordinance	<p>This ordinance provides for the protection of plant varieties.</p> <p>Major functions to be transferred from SHWF to SFH are:</p> <ul style="list-style-type: none"> <li>■ power to amend schedule of plants to which the ordinance applies; and</li> <li>■ power to make regulations.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”:</p> <ul style="list-style-type: none"> <li>■ section 4(2); and</li> <li>■ section 42(1).</li> </ul>
Paragraph (9)(am)	496 Whaling Industry (Regulation) Ordinance	<p>This ordinance gives effect to the International Convention for the Regulation of Whaling signed at Washington on 2 December 1946; prohibits the taking, towing or treating of whales within the waters of Hong Kong; prohibits the taking, towing or treating of whales by any Hong Kong ship or Hong Kong aircraft outside the waters of Hong Kong without a licence or permit; and provides measures for the conservation and utilisation of whales elsewhere.</p> <p>Major functions to be transferred from SHWF to SFH are:</p> <ul style="list-style-type: none"> <li>■ power to amend schedule of names of whales;</li> <li>■ power to specify by descriptions whales to which sections 6 to 8 of the ordinance shall apply;</li> <li>■ power relating to granting of licences; and</li> <li>■ power to make regulations prescribing the sum of money to be paid to the master of the ship on which inspection is conducted.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”:</p> <ul style="list-style-type: none"> <li>■ the definition of “licensing authority” in section 2;</li> <li>■ section 4(5); and</li> <li>■ section 5(1).</li> </ul>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(an)	504 Coroners Ordinance	<p>This ordinance provides for the appointment, duties and powers of coroners, for the reporting of certain deaths, for the duties of registered medical practitioners in connection with dead bodies, for matters preliminary to inquests, and for matters relating to inquests.</p> <p>Major function to be transferred from SHWF to SFH is:</p> <ul style="list-style-type: none"> <li>▪ powers to set apart places for autopsies, etc.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>Section 5(1) is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(ap)	529 Veterinary Surgeons Registration Ordinance	<p>The ordinance provides for the regulation of the practice of veterinary surgery, the registration of veterinary surgeons and the disciplinary control of the professional activities of registered veterinary surgeons.</p> <p>Major functions to be transferred from SHWF to SFH are:</p> <ul style="list-style-type: none"> <li>▪ power to appoint members of Veterinary Surgeons Board;</li> <li>▪ power to amend schedule of provisions that have effect as respects the Board and its member;</li> <li>▪ power to receive qualification standards set by the board;</li> <li>▪ power to make regulations;</li> <li>▪ power to amend schedule of exemptions from the ordinance;</li> <li>▪ power to appoint a secretary and a legal adviser to the Board;</li> <li>▪ function relating to the resignation of the Board member;</li> <li>▪ power to declare vacancy in the membership of the board; and</li> <li>▪ power to receive copy of rules made by the board.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”:</p> <ul style="list-style-type: none"> <li>▪ section 3(2);</li> <li>▪ section 3(2)(c);</li> <li>▪ section 4(2);</li> <li>▪ section 5(h);</li> <li>▪ section 7(1);</li> <li>▪ section 28(1);</li> <li>▪ section 29(2);</li> <li>▪ section 1(2) of Schedule 1;</li> <li>▪ section 2 of Schedule 1; and</li> <li>▪ section 3(6) of Schedule 1.</li> </ul>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(aq)	549 Chinese Medicine Ordinance	<p>This ordinance provides for the registration of practitioners in Chinese medicine; the licensing of traders in Chinese medicines and the registration of proprietary Chinese medicines.</p> <p>Major functions to be transferred from SHWF to SFH are:</p> <ul style="list-style-type: none"> <li>■ power to appoint commencement date of different provisions of the Ordinance;</li> <li>■ power relating to the appointment of the Chinese Medicine Council of Hong Kong, Practitioners Board and Medicines Board;</li> <li>■ power to amend schedules 1 and 2 relating to Chinese herbal medicines;</li> <li>■ power to amend schedules 3 and 4 relating to functions of the Practitioners Board, Medicines Board and their committees;</li> <li>■ power to amend schedule 5 relating to delegation of functions of boards and committees;</li> <li>■ powers relating to provision of transitional registration of proprietary Chinese medicine, licensing of Chinese herbal medicines traders, licensing of proprietary Chinese medicine traders and transitional arrangements for Chinese medicine practitioners; and</li> <li>■ powers to make and approve regulations.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”:</p> <ul style="list-style-type: none"> <li>■ section 1(2); and</li> <li>■ the definition of “Secretary” in section 2(1).</li> </ul>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(ar)	549E Chinese Medicine (Fees) Regulation	<p>This regulation sets out the fees for licensing of retailers, wholesale dealers and manufacturers of Chinese medicines and registration of proprietary Chinese medicines, etc.</p> <p>Major function to be transferred from SHWF to SFH is:</p> <ul style="list-style-type: none"> <li>▪ power to appoint commencement date of the regulation.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>Section 1 is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”.</p>
Paragraph (9)(as)	549F Chinese Medicines Regulation	<p>This regulation provides for the requirement of licensing requirements in respect of the application for retailer, wholesaler and manufacturer licence of Chinese medicines, duties for holders of licences, particulars to be registered for proprietary Chinese medicine, labeling of Chinese medicines, duration of licences, exemption for application and persons concerned with education or scientific research, etc.</p> <p>Major functions to be transferred from SHWF to SFH is:</p> <ul style="list-style-type: none"> <li>▪ power to appoint commencement date of the regulation.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>Section 1 is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(at)	561 Human Reproductive Technology Ordinance	<p>This ordinance regulates reproductive technology procedures, and the use, for research and other purposes, of embryos and gametes; confines the provision of reproductive technology procedures to infertile couples; regulates surrogacy arrangements; and establishes a Council on Human Reproductive Technology.</p> <p>Major functions to be transferred from SHWF to SFH are:</p> <ul style="list-style-type: none"> <li>■ power to appoint commencement date of the Ordinance;</li> <li>■ power to specify whether a procedure is subject to the control of the Ordinance;</li> <li>■ power to designate public officers to assist the Council on Human Reproductive Technology;</li> <li>■ powers to nominate members and appoint secretary and legal adviser to the Council;</li> <li>■ power to obtain certain information from the Council;</li> <li>■ power to make regulations;</li> <li>■ power to amend the schedule of provisions with respect to the Council, its committees and their members; and</li> <li>■ power to amend the schedule of sex-linked genetic diseases.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”:</p> <ul style="list-style-type: none"> <li>■ section 1(2);</li> <li>■ section 2(2);</li> <li>■ section 2(10);</li> <li>■ section 4(2)(j);</li> <li>■ section 4(4);</li> <li>■ section 5(1)(a);</li> <li>■ section 6(5);</li> <li>■ section 45(1);</li> <li>■ section 45(1)(b); and</li> <li>■ section 46.</li> </ul>



The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(au)	570 Fixed Penalty (Public Cleanliness Offences) Ordinance	<p>This ordinance provides for a fixed penalty to be payable for certain offenses relating to public cleanliness.</p> <p>Major function to be transferred from SHWF to SFH is :</p> <ul style="list-style-type: none"> <li>▪ power to make regulations.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>Section 17 is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”.</p>
Paragraph (9)(aw)	1051 Tung Wah Group of Hospitals Ordinance	<p>This ordinance provides for the incorporation of Tung Wah Group of Hospitals and its management.</p> <p>Major function to be transferred from SHWF to SFH is:</p> <ul style="list-style-type: none"> <li>▪ functions to serve as a member of the advisory board and act as the chairman of the advisory board and joint meeting of the advisory board and board of directors in the absence of SHA.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長” :</p> <ul style="list-style-type: none"> <li>▪ paragraph 19(2)(aa) of the Schedule;</li> <li>▪ paragraph 19(7) of the Schedule; and</li> <li>▪ paragraph 20(3) of the Schedule.</li> </ul>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(ax)	1068 Pok Oi Hospital Incorporation Ordinance	<p>This ordinance provides for the incorporation of the Board of Directors of the Pok Oi Hospital.</p> <p>Major function to be transferred from SHWF to SFH is:</p> <ul style="list-style-type: none"> <li>▪ power to approve amendments to the constitution of the hospital.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>Section 4(4) is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”.</p>
Paragraph (9)(ay)	1106 Yan Chai Hospital Ordinance	<p>This ordinance provides for the management of the Yan Chai Hospital and for the incorporation of the Board of Directors of the Hospital.</p> <p>Major functions to be transferred from SHWF to SFH are:</p> <ul style="list-style-type: none"> <li>▪ power to nominate and remove from office members of the Board of Directors; and</li> <li>▪ power to approve amendments to the constitution of the hospital.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”:</p> <ul style="list-style-type: none"> <li>▪ section 3(1);</li> <li>▪ section 3(2);</li> <li>▪ section 3(3); and</li> <li>▪ the proviso of section 7(1).</li> </ul>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(az)	82 of 1997 Nurses Registration (Amendment) Ordinance 1997	<p>This ordinance amends the Nurses Registration Ordinance (Cap. 164).</p> <p>Major function to be transferred from SHWF to SFH is:</p> <ul style="list-style-type: none"> <li>■ power to appoint commencement date of the ordinance.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>Section 1(2) is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”.</p>
Paragraph (9)(ba)	29 of 2004 Human Organ Transplant (Amendment) Ordinance 2004	<p>This ordinance amends the Human Organ Transplant Ordinance (Cap. 465).</p> <p>Major function to be transferred from SHWF to SFH is:</p> <ul style="list-style-type: none"> <li>■ power to appoint commencement date of the ordinance.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>Section 1(2) is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”.</p>
Paragraph (9)(bb)	16 of 2005 Undesirable Medical Advertisements (Amendment) Ordinance 2005	<p>This ordinance amends the Undesirable Medical Advertisements Ordinance (Cap. 231).</p> <p>Major function to be transferred from SHWF to SFH is:</p> <ul style="list-style-type: none"> <li>■ power to appoint commencement date of the ordinance.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>Section 1(2) is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Food and Health” / “食物及衛生局局長”.</p>

**(II) Statutory functions transferred to SLW**

<b>The Resolution</b>	<b>Cap</b>	<b>Description</b>	<b>Textual amendments provided for in the Resolution</b>
Paragraph (9)(g)(ii)	136 Mental Health Ordinance	<p>This ordinance provides for the law relating to mental incapacity and the care and supervision of mentally incapacitated persons, etc.</p> <p>Major functions to be transferred from SHWF to SLW are:</p> <ul style="list-style-type: none"> <li>■ power to amend the deadline for renewal of guardianship order;</li> <li>■ power to amend schedules;</li> <li>■ power to make rules in respect of guardianship application; and</li> <li>■ power to determine allowance payable to Guardianship Board members.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Labour and Welfare” / “勞工及福利局局長” :</p> <ul style="list-style-type: none"> <li>■ section 44B(5)</li> <li>■ section 59Z(1);</li> <li>■ section 73; and</li> <li>■ section 3 of the Schedule.</li> </ul>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(q)	202 Volunteer and Naval Volunteer Pensions Ordinance	<p>This ordinance provides for the payment of pensions, gratuities, and other allowances in connection with the disablement or death of officers and volunteers of the Hong Kong Volunteer Defence Corps and members of the Hong Kong Naval Volunteer Force, etc.</p> <p>Major function to be transferred from SHWF to SLW is :</p> <ul style="list-style-type: none"> <li>▪ power to amend schedules specifying principles of assessment of degree of disability, rates of disability pension, rates for specified injuries, etc.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Labour and Welfare” / “勞工及福利局局長” :</p> <ul style="list-style-type: none"> <li>▪ section 35(1); and</li> <li>▪ section 35(2).</li> </ul>
Paragraph (9)(r)	213 Protection of Children and Juveniles Ordinance	<p>This ordinance provides for the law relating to the protection of children and juveniles.</p> <p>Major function to be transferred from SHWF to SLW is:</p> <ul style="list-style-type: none"> <li>▪ power to make regulations.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Labour and Welfare” / “勞工及福利局局長” :</p> <ul style="list-style-type: none"> <li>▪ section 39(1); and</li> <li>▪ section 39(1B).</li> </ul>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(s)	225 Reformatory Schools Ordinance	<p>This ordinance provides for and regulates reformatory schools.</p> <p>Major functions to be transferred from SHWF to SLW are:</p> <ul style="list-style-type: none"> <li>■ powers to establish and declare reformatory schools; and</li> <li>■ powers to make rules and regulations.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Labour and Welfare” / “勞工及福利局局長” :</p> <ul style="list-style-type: none"> <li>■ the heading of section 10;</li> <li>■ section 10(1);</li> <li>■ section 11;</li> <li>■ section 13;</li> <li>■ the heading of section 13; and</li> <li>■ section 38.</li> </ul>
Paragraph (9)(t)	243 Child Care Services Ordinance	<p>This ordinance provides for the registration, control and inspection of child care centres and the control of childminders.</p> <p>Major function to be transferred from SHWF to SLW is:</p> <ul style="list-style-type: none"> <li>■ power to regulations.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>Section 18(2A) is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Labour and Welfare” / “勞工及福利局局長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(v)	290 Adoption Ordinance	<p>This ordinance provides for the adoption of children, to give effect in Hong Kong to the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption and to provide for incidental and connected matters.</p> <p>Major functions to be transferred from SHWF to SLW are :</p> <ul style="list-style-type: none"> <li>■ power to declare that a State specified in the order published in the Gazette — <ul style="list-style-type: none"> <li>(a) is a Contracting State; or</li> <li>(b) (where a State has made a declaration under Article 45 of the Convention so that the Convention applies only to such territorial unit or units as specified in the declaration) is a Contracting State in respect of any territorial unit or units specified in the order;</li> </ul> </li> <li>■ power to declare that an adoptions shall be excluded from the meaning of “Convention adoption”; and</li> <li>■ power to make regulations.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Labour and Welfare” / “勞工及福利局局長” :</p> <ul style="list-style-type: none"> <li>■ section 20D(1);</li> <li>■ section 20J(1); and</li> <li>■ section 32.</li> </ul>
Paragraph (9)(w)	298 Probation of Offenders Ordinance	<p>This ordinance provides for the probation of offenders.</p> <p>Major function to be transferred from SHWF to SLW is:</p> <ul style="list-style-type: none"> <li>■ power to make rules relating to duties of probation officers and management of approved institutions, etc.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>Section 12(1) is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Labour and Welfare” / “勞工及福利局局長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(ab)	378 Community Service Orders Ordinance	<p>This ordinance provides for criminal offenders to be required to perform unpaid work of benefit to the community in place of, or in addition to, other sentences.</p> <p>Major functions to be transferred from SHWF to SLW are:</p> <ul style="list-style-type: none"> <li>▪ power to amend schedules of type of unpaid work; and</li> <li>▪ power to make regulations.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Labour and Welfare” / “勞工及福利局局長” :</p> <ul style="list-style-type: none"> <li>▪ section 13; and</li> <li>▪ section 14.</li> </ul>
Paragraph (9)(ac)	386 Hong Kong War Memorial Pensions Ordinance	<p>This ordinance provides for the payment of pensions and other benefits to persons who have contributed to the defence of Hong Kong in the Pacific War, persons who have suffered in the War and spouses of such persons.</p> <p>Major functions to be transferred from SHWF to SLW are:</p> <ul style="list-style-type: none"> <li>▪ power to specify pension rates;</li> <li>▪ functions to receive, process and determine applications for the status of eligible beneficiaries for the purposes of this Ordinance;</li> <li>▪ power to specify the form and manner of a notice of appeal against his determination; and</li> <li>▪ power to make regulations.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” in section 2 is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Labour and Welfare” / “勞工及福利局局長”.</p>



The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(ag)	447 Bedspace Apartments Ordinance	<p>This ordinance provides for the regulation, supervision and safety of bedspace apartments.</p> <p>Major function to be transferred from SHWF to SLW is:</p> <ul style="list-style-type: none"> <li>▪ power to exclude certain premises from the application of the Ordinance.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>Section 3(1)(e) is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Labour and Welfare” / “勞工及福利局局長”.</p>
Paragraph (9)(ah)	459 A Residential Care Homes (Elderly Persons) Regulation	<p>This regulation provides for the registration of health workers, and the duties of managers and operators of residential care homes and the requirements relating to the setting of such homes.</p> <p>Major function to be transferred from SHWF to SLW is:</p> <ul style="list-style-type: none"> <li>▪ powers relating to appeals against the decisions of Director of Social Welfare on the registration of health workers.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Labour and Welfare” / “勞工及福利局局長”:</p> <ul style="list-style-type: none"> <li>▪ the heading of section 10;</li> <li>▪ section 10(1);</li> <li>▪ section 10(2); and</li> <li>▪ section 10(3).</li> </ul> <p><u>Chinese text</u></p> <p>In section 10(4) is amended by repealing “衛生福利及食物局局長” and substituting “勞工及福利局局長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(ai)	459 B Residential Care Homes (Elderly Persons) (Appeal Board) Regulation	<p>This regulation provides for matters relating to appeals against the decisions of Director of Social Welfare on application for exemption certificate in respect of residential care homes and the application, renewal, cancellation and suspension of the licences of such homes.</p> <p>Major function to be transferred from SHWF to SLW is:</p> <ul style="list-style-type: none"> <li>■ function to receive notices of appeal on behalf of the Appeal Board chairman.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Labour and Welfare” / “勞工及福利局局長”:</p> <ul style="list-style-type: none"> <li>■ section 16; and</li> <li>■ Form 1 in the Schedule.</li> </ul>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(ak)	487 Disability Discrimination Ordinance	<p>This ordinance renders unlawful discrimination against persons on the ground of their or their associates' disability in respect of their employment, accommodation, education, access to partnerships, membership of trade unions and clubs, access to premises, educational establishments, sporting activities and the provision of goods, services and facilities; and extends the jurisdiction of the Equal Opportunities Commission to include discrimination against persons on the ground of their or their associates' disability.</p> <p>Major functions to be transferred from SHWF to SLW are:</p> <ul style="list-style-type: none"> <li>■ power to specify bodies to be consulted on any code of practice;</li> <li>■ power to make regulations to empower the Equal Opportunity Commission to bring certain proceedings; and</li> <li>■ power to amend schedules.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Labour and Welfare” / “勞工及福利局局長” :</p> <ul style="list-style-type: none"> <li>■ section 65(3);</li> <li>■ section 86(1); and</li> <li>■ section 87(1).</li> </ul>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(ao)	505 Social Workers Registration Ordinance	<p>This ordinance provides for the registration and disciplinary control of social workers.</p> <p>Major functions to be transferred from SHWF to SLW are:</p> <ul style="list-style-type: none"> <li>■ function to publish in the Gazette Social Worker Registration Board members elected by social workers;</li> <li>■ function to declare vacancy in membership of the Board;</li> <li>■ power to direct the Board on fees payable for relevant matters;</li> <li>■ power to amend schedule of offences disentitling a person from being a registered social worker; and</li> <li>■ power to receive report from the Board and duty to table the report at LegCo.</li> </ul>	<p><u>English and Chinese texts</u></p> <p>Section 2(1) is amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Labour and Welfare” / “勞工及福利局局長”.</p>

The Resolution	Cap	Description	Textual amendments provided for in the Resolution
Paragraph (9)(av)	1040 Po Leung Kuk Ordinance	<p>This ordinance provides for the incorporation of Po Leung Kuk and its management.</p> <p>Major functions to be transferred from SHWF to SLW is:</p> <ul style="list-style-type: none"> <li>▪ functions to serve as a member of the advisory board and act as the chairman of the advisory board and joint meeting of the advisory board and board of directors in the absence of Secretary for Home Affairs (SHA).</li> </ul>	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Health, Welfare and Food” / “衛生福利及食物局局長” and substituting “Secretary for Labour and Welfare” / “勞工及福利局局長” :</p> <ul style="list-style-type: none"> <li>▪ paragraph 18(2)(b) of the Schedule</li> <li>▪ paragraph 18(7) of the Schedule; and</li> <li>▪ paragraph 19(3) of the Schedule.</li> </ul>