

**Subcommittee to Study the Proposed Legislative Amendments
Relating to the Re-organisation 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 Transport and Housing**

Introduction

This paper sets out the transfer of statutory functions currently exercisable by the Secretary for Transport and Housing (STH) to the Secretary for Housing, Planning and Lands (SHPL), the Secretary for Transport and Works (STW) and the Secretary for Commerce and Industries (SCI) with effect from 1 July 2012.

Background

2. Pursuant to the re-organisation plan announced by the Chief Executive-elect on 4 May 2012, the existing Transport and Housing Bureau (THB) (less policy responsibilities on the maritime, air and logistics industries) and Development Bureau (less policy responsibilities on heritage preservation) will be restructured into two new bureaux, namely the Housing, Planning and Lands Bureau, and the Transport and Works Bureau. Policy responsibilities on the maritime, air and logistics industries will be transferred from the THB to the new Commerce and Industries Bureau. Details of the proposal and rationale are set out in the paper for the Legislative Council (LegCo) Panel for Constitutional Affairs issued on 4 May 2012 (LC Paper No. CB(2)1908/11-12(01)). To implement the new organisation structure with effect from 1 July 2012, the relevant statutory functions vested in STH need to be transferred to SHPL, STW and SCI.

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 Resolution). The Administration has served notice of the intention to move the Resolution at the LegCo meeting of 20 June 2012. The Resolution and the draft speech of the Secretary for Constitutional and Mainland Affairs are attached to the paper issued by the LegCo Secretariat on 10 May 2012 (LC Paper No. CB(3)735/11-12). Paragraph 1(f) of and Schedule 4 to the Resolution provide for the transfer of statutory functions of the relevant public

officers pursuant to the restructuring of the Transport and Housing Bureau. Paragraph 1(g) of the Resolution seeks to replace the Secretary for Transport by STW in section 2A(5) of the Peak Tramway Ordinance (Cap. 265). This provision, enacted in 1992 amongst others, is to facilitate the Peak Tramways Company Limited (the Company) to apply for extension of its operating right beyond 2003. Specifically, it allows the Company to request an extension to its current operating right not less than one year before the expiry date. The Administration proposes to bring the reference to the policy secretary concerned up-to-date by replacing “Secretary for Transport” with “Secretary for Transport and Works”. Paragraphs 1(f) and (g) of, and Schedule 4 to the Resolution are at **Annex A**.

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 public officers concerned by the new title of the public officers in whom policy responsibility for the provisions in question is to be vested with effect from 1 July 2012.

5. A summary of the statutory functions of STH under existing legislation to be transferred to the relevant public officers and textual amendments to the relevant ordinances is at **Annex B**.

Advice Sought

6. Members are invited to consider paragraphs 1(f) and (g) of, and Schedule 4 to the Resolution.

Constitutional and Mainland Affairs Bureau
Transport and Housing Bureau
May 2012

Interpretation and General Clauses Ordinance

Resolution

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

Resolved that—

- (1) with effect from 1 July 2012—
 - (f) the functions exercisable by the Secretary for Transport and Housing under each enactment specified in column 2 of Part 1 of Schedule 4 be transferred to the public officer specified opposite to that enactment in column 3 of that Part, and to give full effect to the transfer, the enactments specified in Part 2 of Schedule 4 be amended as set out in that Part;
 - (g) the functions exercisable by the Secretary for Transport under the Peak Tramway Ordinance (Cap. 265) be transferred to the Secretary for Transport and Works, and to give full effect to the transfer, that Ordinance be amended in section 2A(5) by repealing “Secretary for Transport” and substituting “Secretary for Transport and Works”; and
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Schedule 4

[para. (1)(f)]

Transfer of Functions of Secretary for Transport and Housing**Part 1****Enactments and Public Officers****Division 1—Housing**

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

Division 2—Transport (Except Air and Maritime Services)

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

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

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

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

Division 3—Air and Maritime Services

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

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

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

Part 2

Amendments Effecting Transfer

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

1. **“Secretary for Housing, Planning and Lands” substituted for “Secretary for Transport and Housing”**

The following provisions—

- (a) Housing Ordinance (Cap. 283), sections 14(4) and 15(2);
- (b) Estate Agents Ordinance (Cap. 511), sections 1(2) and 2(1) (definition of *Secretary*)—

Repeal

“Secretary for Transport and Housing” (wherever appearing)

Substitute

“Secretary for Housing, Planning and Lands”.

Division 2—Transfer to Secretary for Transport and Works

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

(1) The following provisions—

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

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

Repeal

“Secretary for Transport and Housing” (wherever appearing)

Substitute

“Secretary for Transport and Works”.

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

Repeal

“Secretary for Transport and Housing” (wherever appearing)

Substitute

“Secretary for Transport and Works”.

2. Amendments to Specification of Public Offices

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

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

Repeal

“Secretary for Transport and Housing”

Substitute

“Secretary for Transport and Works”.

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

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

Add in alphabetical order

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

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

Repeal

“Secretary for Transport and Housing” (wherever appearing)

Substitute

“Secretary”.

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

Repeal

“the Secretary for Transport and Housing’s”

Substitute

“an”.

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

Repeal

“Secretary for Transport and Housing”

Substitute

“Secretary”.

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

Repeal the definition of *Secretary*.

Division 3—Transfer to Secretary for Commerce and Industries

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

The following provisions—

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

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

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

Repeal

“Secretary for Transport and Housing” (wherever appearing)

Substitute

“Secretary for Commerce and Industries”.

2. Amendment to Specification of Public Offices

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

Repeal

“Secretary for Transport and Housing”

Substitute

“Secretary for Commerce and Industries”.

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

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

Repeal

“by the Secretary for Transport and Housing”.

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

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

Add in alphabetical order

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

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

Repeal

“Secretary for Transport and Housing”

Substitute

“Secretary”.

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

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

Add in alphabetical order

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

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

Repeal

“Secretary for Transport and Housing”

Substitute

“Secretary”.

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

The following provisions—

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

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

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

Repeal

“Transport and Housing Bureau” (wherever appearing)

Substitute

“Commerce and Industries Bureau”.

**Statutory functions presently exercisable by the Secretary for Transport and Housing (STH)
which will be transferred to the Secretary for Housing, Planning and Lands (SHPL), the Secretary for Transport and Works (STH) and the
Secretary for Commerce and Industries (SCI)**

(I) Statutory functions to be transferred to SHPL

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(a) of Division 1 of Part 2 of Schedule 4	283 Housing Ordinance	<p>This ordinance provides for the establishment and functions of the Housing Authority and for purposes connected therewith.</p> <p>Major functions to be transferred from STH to SHPL are the functions to lay copies of the accounts and annual reports of the Housing Authority on the table of the Legislative Council.</p>	<p><u>English and Chinese texts</u></p> <p>The following provisions are amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” wherever it appears and substituting “Secretary for Housing, Planning and Lands” / “房屋規劃地政局局長” –</p> <ul style="list-style-type: none">■ section 14(4); and■ section 15(2).

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(b) of Division 1 of Part 2 of Schedule 4	511 Estate Agents Ordinance	<p>This ordinance provides for the establishment and functions of the Estate Agents Authority, the licensing of estate agents and the regulation of estate agency work.</p> <p>Major functions to be transferred from STH to Secretary for Housing, Planning and Lands are –</p> <ul style="list-style-type: none"> ■ power to appoint commencement date of the ordinance; ■ power to approve the Estate Agents Authority to grant exemptions; ■ powers and functions relating to audits and the Authority’s report; ■ power to approve the determination of the relevant period by the Authority for the purpose of section 18; ■ functions to receive notices relating to appeals; ■ power to appoint appeal panel; ■ power to make regulations regulating the appeal procedures; and ■ power to approve regulations made by the Authority relating to bank accounts, salespersons, advertising, estate agency agreements, procedures for dispute resolution proceedings etc. 	<p><u>English and Chinese texts</u></p> <p>The following provisions are amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” wherever it appears and substituting “Secretary for Housing, Planning and Lands” / “房屋規劃地政局局長”–</p> <ul style="list-style-type: none"> ■ section 1(2); and ■ the definition of “Secretary” / “局長” in section 2(1).

(II) Statutory functions to be transferred to STW

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(a) of Division 2 of Part 2 of Schedule 4	17A Lands Tribunal Rules	<p>These rules provide for practice, procedures and forms used in relation to the proceedings of the Lands Tribunal.</p> <p>Major functions to be transferred from STH to STW are the functions and duties of the Secretary in the proceedings of Lands Tribunal in relation to claims lodged under the Roads (Works, Use and Compensation) Ordinance (Cap. 370).</p>	<p><u>English and Chinese texts</u></p> <p>Forms 10 and 11 in the Schedule are amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>
Section 1(1)(b) of Division 2 of Part 2 of Schedule 4	104 Ferry Services Ordinance	<p>This ordinance provides for the granting of franchises and licences to operate ferry services, and the regulation of the operation and maintenance of such services.</p> <p>Major functions to be transferred from STH to STW are –</p> <ul style="list-style-type: none"> ■ the power to decide on any point on which the Commissioner for Transport and the grantee fail to reach agreement in relation to a plan on the operation of the grantee; and ■ the power and function relating to appeals against the decision of the Commissioner for Transport. 	<p><u>English and Chinese texts</u></p> <p>The following provisions are amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” wherever it appears and substituting “Secretary for Transport and Works” / “運輸及工務局局長” –</p> <ul style="list-style-type: none"> ■ section 22(2); ■ section 28(7)(a); ■ section 28(7)(b); and ■ section 41(1).

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(c) of Division 2 of Part 2 of Schedule 4	107B Tramway Regulations	<p>These regulations provide for the designation of tram stops, boarding and alighting of passengers, and appeal procedures in relation to decisions made by Commissioner for Transport under the regulations.</p> <p>Major functions to be transferred from STH to STW are –</p> <ul style="list-style-type: none"> ■ power to confirm, vary or amend terms of decisions or requirements made under the regulations; and ■ power and function relating to appeals against the decisions of Commissioner for Transport made under the regulations. 	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” / “局長” in regulation 2 is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>
Section 1(1)(d) of Division 2 of Part 2 of Schedule 4	215 Eastern Harbour Crossing Ordinance	<p>This Ordinance is to grant franchises for the construction of a combined road and rail tunnel across the eastern harbour, for the construction of a railway line through the tunnel; for the payment of tolls to the franchise holder for the use of the tunnel and the regulation of vehicular traffic in relation to such use; and for the transfer by the franchise holder of its right to operate the railway line to the Mass Transit Railway Corporation Limited.</p> <p>Major functions to be transferred from STH to STW are –</p> <ul style="list-style-type: none"> ■ power to give notice in the Gazette for the disposal of its right by the franchisee; ■ functions and duties in the case of default; ■ powers and functions relating to the revocation of franchise; and ■ functions relating to appeals lodged by the franchisee. 	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” / “局長” in section 2(1) is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Sections 1(1)(e) and 1(2)(a) of Division 2 of Part 2 of Schedule 4	230 Public Bus Services Ordinance	<p>This ordinance provides for the granting of franchises to operate public bus services on specified routes, and the regulation of the operation and maintenance of such services.</p> <p>Major functions to be transferred from STH to STW are –</p> <ul style="list-style-type: none"> ■ duty to make recommendation to Chief Executive in Council on whether the franchise for a bus operator should be extended; ■ function in relation to forward planning programme of the franchised bus operators; and ■ power to make regulations. 	<p><u>English and Chinese texts</u></p> <p>The following provisions are amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” wherever it appears and substituting “Secretary for Transport and Works” / “運輸及工務局局長” –</p> <ul style="list-style-type: none"> ■ sections 6(2A), 12A(1), (2), (3) and (4), 33(1) and 35(1). <p>In the heading of section 35 by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>
Section 1(1)(f) of Division 2 of Part 2 of Schedule 4	237 Fixed Penalty (Traffic Contraventions) Ordinance	<p>This Ordinance provides for a fixed penalty to be payable for various contraventions of the law; and for the recovery of the fixed penalty.</p> <p>Major function to be transferred from STH to STW is the power to make regulations.</p>	<p><u>English and Chinese texts</u></p> <p>Section 25 is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(g) of Division 2 of Part 2 of Schedule 4	240 Fixed Penalty (Criminal Proceedings) Ordinance	<p>This Ordinance provides for a fixed penalty to be payable for various offences.</p> <p>Major function to be transferred from STH to STW is the power to make regulations.</p>	<p><u>English and Chinese texts</u></p> <p>Section 11 is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>
Section 1(1)(h) of Division 2 of Part 2 of Schedule 4	370 Roads (Works, Use and Compensation) Ordinance	<p>The ordinance provides for the publication of proposals as to works in relation to roads, objections to the proposals, authority to carry out the works and for the use of roads, powers in relation to the works on and the use of roads, compensation and connected matters.</p> <p>Major functions to be transferred from STH to STW are –</p> <ul style="list-style-type: none"> ■ power to authorize any public officer to exercise the powers, functions and duties conferred on him under the ordinance; ■ power to approve the execution of minor works; powers, functions and duties relating to the preparation, publication and amendment of plans and schemes for major works; ■ powers, functions and duties relating to the handling of objections and claims against plans and schemes; ■ powers, functions and duties relating to land resumption for the purposes of or incidental to works, and the creation of easement or other rights; ■ powers, functions and duties relating to road closure and Government foreshore or sea-bed reclamation for 	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” / “局長” in section 2(1) is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
		<p>the purposes of or incidental to works;</p> <ul style="list-style-type: none"> ■ power to enter any land or building for the purpose of making inspection, site investigation and valuation etc; ■ power to request utility companies to alter or repair their wire, pipe, tub etc.; and ■ power to order owner of any land or building to remove projections or obstructions. 	
Section 1(1)(i) of Division 2 of Part 2 of Schedule 4	372 Kowloon-Canton Railway Corporation Ordinance	<p>The ordinance is to establish a corporation to operate the Kowloon-Canton Railway, to vest in that corporation the assets of that railway, to construct and operate the Northwest Railway and other railways, and to make provision as to the safe operation of railways.</p> <p>Major functions to be transferred from STH to STW are powers to authorise the construction of railways and to make regulations.</p>	<p><u>English and Chinese texts</u></p> <p>The following provisions are amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” wherever it appears and substituting “Secretary for Transport and Works” / “運輸及工務局局長” –</p> <ul style="list-style-type: none"> ■ section 4(1)(a); ■ section 30(1); ■ the proviso of paragraph 8 of the Second Schedule; ■ paragraph 14 of the Second Schedule; ■ paragraph 1(2) of the Third Schedule; and ■ paragraph 2 of the Third

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
			Schedule.
Section 1(1)(j) of Division 2 of Part 2 of Schedule 4	372A Kowloon-Canton Railway Corporation Regulations	<p>These regulations provide for detailed requirements in relation to the operation of the railways and reporting of accident and occurrence.</p> <p>Major functions to be transferred from STH to STW are –</p> <ul style="list-style-type: none"> ■ power to confirm, vary or amend terms of notice given under the regulations; ■ power and function relating to appeals against the decision of Commissioner for Transport made under the regulations; and ■ the Corporation should submit written explanation to the Secretary for any failure to comply with certain requirements of the regulations. 	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” / “局長” in regulation 1A is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(k) of Division 2 of Part 2 of Schedule 4	374 Road Traffic Ordinance	<p>This Ordinance provides for the regulation of road traffic and the use of vehicles and roads (including private roads).</p> <p>Major functions to be transferred from STH to STW are –</p> <ul style="list-style-type: none"> ■ the powers to make regulations for the purpose of giving effect to international agreement, the regulation of the construction and maintenance of vehicles and their equipment, the regulation of registration and licensing of vehicles, the regulation of driving licences, the regulation of traffic, the regulation of public service vehicles etc.; ■ power to appoint Transport Tribunal’s panel; ■ power to amend the proportion of alcohol that constitutes the prescribed limit; ■ power to amend Schedule 1 and Schedule 1A; and ■ power to specify private roads to which Part XIII of the Ordinance does not apply. 	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” / “局長” in section 2 is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(l) of Division 2 of Part 2 of Schedule 4	393 Tate's Cairn Tunnel Ordinance	<p>This Ordinance is to grant a franchise for the construction of a road tunnel through Tate's Cairn; to provide for the maintenance of the works to be constructed; for the payment of tolls to the franchise holder for the use of the tunnel and the regulation of vehicular traffic in relation to such use.</p> <p>Major functions to be transferred from STH to STW are –</p> <ul style="list-style-type: none"> ■ power to give notice in the Gazette the disposal of its right by the franchisee; ■ functions and duties to be taken in the case of default; and ■ powers and functions relating to the revocation of franchise. 	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” / “局長” in section 2(1) is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(m) of Division 2 of Part 2 of Schedule 4	436 Western Harbour Crossing Ordinance	<p>The Ordinance is to grant a franchise for the construction and operation of a crossing between West Kowloon Reclamation and Sai Ying Pun; to provide for the maintenance of the works within the tunnel area; the payment of tolls to the franchise holder for the use of the tunnel; and the regulation of vehicular traffic in relation to such use.</p> <p>Major functions to be transferred from STH to STW are –</p> <ul style="list-style-type: none"> ■ power to give notice in the Gazette the disposal of its right by the franchisee; ■ duty to serve as a member of the Western Harbour Crossing Toll Stability Fund Management Committee; ■ functions and duties relating to the submission of statement of net revenue by the franchisee; ■ powers and functions relating to toll increase; ■ functions and duties to be taken in the case of default; ■ powers and function relating to the revocation of franchise; and ■ duty to exercise discretion or authority. 	<p><u>English and Chinese texts</u></p> <p>The following provisions are amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”–</p> <ul style="list-style-type: none"> ■ in the definition of “Secretary” / “局長” in section 2(1); and ■ in section 38(2)(b).

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(n) of Division 2 of Part 2 of Schedule 4	474 Tai Lam Tunnel and Yuen Long Approach Road Ordinance	<p>The Ordinance is to grant a franchise for the design, construction and operation of a tunnel and associated roads linking Ting Kau to Au Tau; to provide for the maintenance of the works within the area subject to the franchise; the payment of tolls to the franchise holder for the use of that area; and the regulation of vehicular traffic in relation to such use.</p> <p>Major functions to be transferred from STH to STW are –</p> <ul style="list-style-type: none"> ■ power to give notice in the Gazette the disposal of its right by the franchisee; ■ power to make regulations; ■ duty to serve as a member of the Tai Lam Tunnel and Yuen Long Approach Road Toll Stability Fund Management Committee; ■ functions and duties relating to the submission of statement of actual net revenue by the franchisee; ■ powers and functions relating to toll increase; ■ functions and duties to be taken in the case of default; ■ powers and functions relating to the revocation of franchise; and ■ duty to exercise discretion or authority. 	<p><u>English and Chinese texts</u></p> <p>The following provisions are amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”–</p> <ul style="list-style-type: none"> ■ in the definition of “Secretary” / “局長” in section 2(1); ■ section 17(1); and ■ section 32(3)(b).

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Sections 1(1)(o) and 1(2)(b) of Division 2 of Part 2 of Schedule 4	483C Airport Authority (Automated People Mover) (Safety) Regulation	<p>This regulation provides for safety measures in relation to the operation of the automated people mover at the airport.</p> <p>Major functions to be transferred from STH to STW are –</p> <ul style="list-style-type: none"> ■ function relating to accident and occurrence on the automated people mover; and ■ power to direct inspector to investigate accident or occurrence. 	<p><u>English and Chinese texts</u></p> <p>The following provisions are amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” wherever it appears and substituting “Secretary for Transport and Works” / “運輸及工務局局長” –</p> <ul style="list-style-type: none"> ■ paragraph (b) of the definition of “automated people mover premises” / “旅客捷運系統處所” in section 1; ■ section 5(1); ■ section 5(2); ■ section 6(1); ■ section 6(3); ■ section 6(4); and ■ section 11. <p>In the heading of section 6 by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(p) of Division 2 of Part 2 of Schedule 4	498 Tsing Ma Control Area Ordinance	<p>The Ordinance provides for the control and regulation of vehicular and pedestrian traffic movements within the Tsing Ma Control Area; the delineation of that Area in respect of the management and maintenance thereof; the powers of authorized officers; the disposal of abandoned vehicles; the closure of roads within the Area; and the imposition of financial penalties.</p> <p>Major functions to be transferred from STH to STW are –</p> <ul style="list-style-type: none"> ■ power to give direction relating to the performance of functions and power vested by the Ordinance in the operator and authorized officers; ■ power to authorize road closure; and ■ power to make regulations. 	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” / “局長” in section 2 is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(q) of Division 2 of Part 2 of Schedule 4	519 Railways Ordinance	<p>This ordinance provides for the resumption of land, creation of easements or rights and the exercise of other powers by the Government for the construction of railways and to provide for compensation for losses caused by the exercise of the powers.</p> <p>Major functions to be transferred from STH to STW are –</p> <ul style="list-style-type: none"> ■ power to authorize any public officer to exercise the power, functions and duties conferred on him under the ordinance; ■ power, functions and duties relating to the preparation, publication and amendment of railway schemes; ■ power, functions and duties relating to the making of correction to railway schemes; ■ power to enter or authorize a person to enter any land or building for the purpose of making inspection, valuation and site investigation etc.; ■ power, functions and duties relating to the handling of objection and claims against railway schemes; ■ power to authorize the construction of railway; ■ power to authorize the carrying out of minor works which involve closure of road; ■ functions and duties relating to the creation of easement or other rights, and land resumed for the purpose of or incidental to railway schemes; ■ power to request utility companies to alter or repair 	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” / “局長” in section 2 is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
		<p>their wire, pipe, tub etc.; and</p> <ul style="list-style-type: none"> ■ power to order owner of any land or building to remove projections or obstructions. 	
Section 1(1)(r) of Division 2 of Part 2 of Schedule 4	520 Discovery Bay Tunnel Link Ordinance	<p>The Ordinance is to provide for the constructing of a tunnel and a road to connect Discovery Bay in Lantau Island and Siu Ho Wan in North Lantau of that Island; the operation and the maintenance of the tunnel and the road; to permit the use of the tunnel and the road for the passage of vehicular traffic; and to empower the charging of tolls or fees for such use.</p> <p>Major functions to be transferred from STH to STW are –</p> <ul style="list-style-type: none"> ■ power to give notice in the Gazette the disposal of its right by the franchisee; ■ power to receive information on the estimated cost of construction works, number of vehicles using the tunnel and the amount of tolls collected; ■ powers and functions relating to tolls and fees; ■ power to make regulations; and ■ power to delegate to any public officer the power, function or duty conferred on him under the Ordinance. 	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” / “局長” in section 2(1) is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(s) of Division 2 of Part 2 of Schedule 4	556 Mass Transit Railway Ordinance	<p>This ordinance provides for –</p> <p>(a) the granting of a franchise to the MTR Corporation Limited to operate the Mass Transit Railway and to construct and operate any extension to the railway;</p> <p>(b) the regulation of the operation of the Mass Transit Railway under the franchise;</p> <p>(c) the repeal of the Mass Transit Railway Corporation Ordinance (Cap. 270), and the vesting of the property, rights and liabilities of the Mass Transit Railway Corporation in the MTR Corporation Limited; and</p> <p>(d) matters relating to the incorporation of the MTR Corporation Limited.</p> <p>Major functions to be transferred from STH to STW are –</p> <ul style="list-style-type: none"> ■ power and functions relating to the extension of franchise; ■ power to obtain information relating to the business and affairs of the Corporation; ■ function and duties to be taken in the case of default; ■ power and function relating to the suspension and revocation of franchise; ■ power to appoint inspectors; ■ power to request the Corporation to carry out works in interest of safety; and ■ power to make regulations. 	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” / “局長” in section 2(1) is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(t) of Division 2 of Part 2 of Schedule 4	594 Tsing Sha Control Area Ordinance	<p>The Ordinance provides for the determination of the boundaries of the Tsing Sha Control Area; the management, operation and maintenance of the Control Area (including the regulation of vehicular and pedestrian traffic in the Control Area and the charging of tolls for the use of the toll area in the Control Area and other fees or charges); the imposition of financial penalties on operators of the Control Area.</p> <p>Major functions to be transferred from STH to STW are –</p> <ul style="list-style-type: none"> ■ power to give direction relating to the performance of functions and power vested by the Ordinance in the operator and authorized officers; ■ power to authorize road closure; and ■ power to make regulations. 	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” / “局長” in section 2(1) is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>
Section 1(1)(u) of Division 2 of Part 2 of Schedule 4	24 of 2011 Road Traffic (Amendment) Ordinance 2011	<p>This Ordinance amends Road Traffic Ordinance (Cap. 374) to create new offences in connection with driving motor vehicles after consumption or use of drugs; to enhance the penalty of disqualification for the offence of causing death by dangerous driving; to provide procedures to obtain specimen of blood and urine for laboratory tests and means to test for impairment by drugs and their presence in body fluids; and other related matters.</p> <p>Major function to be transferred from STH to STW is –</p> <ul style="list-style-type: none"> ■ the power to appoint the commencement day of the Ordinance. 	<p><u>English and Chinese texts</u></p> <p>Section 1(2) is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(1)(v) of Division 2 of Part 2 of Schedule 4	6 of 2012 Road Traffic (Amendment) Ordinance 2012	<p>This Ordinance amends the Road Traffic Ordinance (Cap. 374) and its subsidiary legislation to impose a cap on the maximum speed at which a public light bus (PLB) may travel; to provide for the fitting of speed limiters and electronic data recording devices to PLBs; to provide for the designation of pre-service training schools for drivers of public service vehicles; to make attendance and completion of pre-service course a condition for the issue of a full driving licence to drive a PLB; and related matters.</p> <p>Major function to be transferred from STH to STW is –</p> <ul style="list-style-type: none"> ■ the power to appoint the commencement date of Part 4 of the Ordinance, which makes attendance and completion of pre-service course a condition for the issue of a full driving licence to drive a PLB. 	<p><u>English and Chinese texts</u></p> <p>Section 1(3) is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長”.</p>
Section 2 of Division 2 of Part 2 of Schedule 4	1C Specification of Public Offices	<p>Cap 1C sets out the public officers who may delegate to another public officer the powers conferred or duties imposed on him / her by any particular ordinance.</p> <p>Major function to be transferred from STH to STW is the power to delegate to any public officer his/her functions provided for in –</p> <ul style="list-style-type: none"> ■ the Eastern Harbour Crossing Ordinance (Cap. 215); ■ the Roads (Works, Use and Compensation) Ordinance (Cap.370); and ■ the Tate’s Cairn Tunnel Ordinance (Cap. 393). 	<p><u>English and Chinese texts</u></p> <p>The Schedule is amended by repealing the relevant item making reference to “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting a similar item making reference to “Secretary for Transport and Works” / “運輸及工務局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Paragraph 1(g) and sections 3(1) to (4) of Division 3 of Part 2 of Schedule 4	265 Peak Tramway Ordinance	<p>This ordinance is to authorize the construction of the Peak Tramway, and to provide for matters relating to the operation of the Peak Tramway.</p> <p>Functions to be transferred from Secretary for Transport to STW are –</p> <ul style="list-style-type: none"> ■ power and duties relating to the operating rights of the Peak Tramways Company Limited (the company). <p>Major functions to be transferred from STH to STW are –</p> <ul style="list-style-type: none"> ■ power to authorize the company to alter the level of ground on which the tramway is laid; ■ power to approve the construction and maintenance of additional structures, equipment and works by the company; ■ power and duties relating to works of the company that may affect sewage or drainage; ■ power to authorize the company to enter land adjoining the tramway; ■ power to apply to the Chief Executive in Council for settling differences between the company and the Secretary; ■ power to certify removal cost of tramway in case of discontinuance of service; ■ power to order removal of tramway upon insolvency of the company; ■ power to approve the tramcars, machinery apparatus 	<p><u>English and Chinese texts</u></p> <p>In section 2A(5) by repealing “Secretary for Transport” / “運輸局局長” and substituting “Secretary for Transport and Works” / “運輸及工務局局長” to bring the reference to the policy secretary therein up-to-date.</p> <p>“Secretary” / “局長” means the “Secretary for Transport and Works” / “運輸及工務局局長”, is added in alphabetical order in section 2.</p> <p>The following provisions are amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” wherever it appears and substituting “Secretary” / “局長” –</p> <ul style="list-style-type: none"> ■ sections 4, 5, 7(1), (2), (3) and (4), 7A(1) and (3), 8, 9(2) and (3), 10, 12, 14B(1), 14D(1) and (4), 14E(1), (2), (3) and (4), 14F(2), 15(1)(b) and (d)(i). <p>In section 7A(2) by repealing “the Secretary for Transport and Housing’s” / “運輸及房屋局局長</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
		<p>used on or for the tramway;</p> <ul style="list-style-type: none"> ■ power to order defects in the tramway be remedied; and ■ power to order the closure of tramway. 	<p>根據第(1)款所作的” and substituting “an” /“第(1)款所指的”.</p> <p>In the heading of section 14D by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary” / “局長”.</p>
Section 3(5) of Division 3 of Part 2 of Schedule 4	265A Peak Tramway (Safety) Regulations	<p>These regulations provide for matters relating to the maintenance and operation of the tramway, and the inspection, examination and testing of the tramway.</p> <p>Major functions to be transferred from STH to STW are –</p> <ul style="list-style-type: none"> ■ power to approve the employment of surveyors by the Peak Tramways Company Limited (the company); ■ power to approve the employment of engineering superintendents by the company; and ■ power to decide if a person to be employed as a duty technician by the company has the relevant qualifications. 	The definition of “Secretary” / “局長” in regulation 2 is repealed.

(III) Statutory functions to be transferred to SCI

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(a) of Division 3 of Part 2 of Schedule 4	81 Port Control (Cargo Working Areas) Ordinance	<p>This ordinance provides for the control of the use of water-front areas by persons, vehicles and vessels and for the control of the handling of cargo in such areas.</p> <p>Major function to be transferred from STH to SCI is –</p> <ul style="list-style-type: none"> ■ to declare areas to be public cargo working areas, public water fronts and excluded water-fronts. 	<p><u>English and Chinese texts</u></p> <p>Section 3(1) is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”.</p>
Section 1(b) of Division 3 of Part 2 of Schedule 4	281 Merchant Shipping Ordinance	<p>This ordinance consolidates and amends the law relating to merchant shipping and to remove anomalies and out-moded provisions therefrom.</p> <p>Major function to be transferred from STH to SCI is –</p> <ul style="list-style-type: none"> ■ to lay before Legislative Council in the month of January in each year a special report stating the cases in which the Chief Executive has exercised his powers to exempt any vessel from any specified requirement contained in this ordinance and the grounds upon which action has been taken in each case. 	<p><u>English and Chinese texts</u></p> <p>Section 118(1) is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”.</p>
Section 1(c) of Division 3 of Part 2 of Schedule 4	313 Shipping and Port Control Ordinance	<p>This ordinance provides for the regulation and control of ports and vessels in Hong Kong or in the waters of Hong Kong.</p> <p>Major function to be transferred from STH to SCI is –</p> <ul style="list-style-type: none"> ■ to declare any area of waters of Hong Kong to be a port. 	<p><u>English and Chinese texts</u></p> <p>Section 56 is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(d) of Division 3 of Part 2 of Schedule 4	369 Merchant Shipping (Safety) Ordinance	<p>This ordinance provides for matters relating to the safety of merchant shipping.</p> <p>Major functions to be transferred from STH to SCI are –</p> <ul style="list-style-type: none"> ■ to appoint Government Surveyors; ■ to approve any organizations for the purpose of surveying ships and issuing certificates; and ■ to make regulations on matters relating to safety of merchant shipping. 	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” in section 2(1) is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”.</p>
Section 1(e) of Division 3 of Part 2 of Schedule 4	413 Merchant Shipping (Prevention and Control of Pollution) Ordinance	<p>This ordinance provides for the prevention and control of pollution from ships.</p> <p>Major function to be transferred from STH to SCI is –</p> <ul style="list-style-type: none"> ■ to make regulations. 	<p><u>English and Chinese texts</u></p> <p>The following sections are amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”:</p> <ul style="list-style-type: none"> ■ section 3(2); and ■ section 3(5)(vii).

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(f) of Division 3 of Part 2 of Schedule 4	413 A Merchant Shipping (Prevention of Oil Pollution) Regulations	<p>These regulations provide for matters relating to the prevention and control of pollution of the sea so as to give effect to international agreement.</p> <p>Major functions to be transferred from STH to SCI are –</p> <ul style="list-style-type: none"> ■ to appoint persons who may carry out inspection of ships to which these regulations shall apply; and ■ to approve the Director of Marine to deny a ship entering Hong Kong waters if it poses unreasonable threat to Hong Kong marine environment. 	<p><u>English and Chinese texts</u></p> <p>The following regulations are amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長” –</p> <ul style="list-style-type: none"> ■ the definition of “Certifying Authority” in regulation 1(2); ■ the definition of “surveyor” in regulation 1(2); ■ regulation 35(1); and ■ regulation 36(1).
Section 1(g) of Division 3 of Part 2 of Schedule 4	413 B Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations	<p>These regulations provide for preventive measures in relation to ships carrying in bulk noxious liquid substances of unassessed liquid substances.</p> <p>Major function to be transferred from STH to SCI is –</p> <ul style="list-style-type: none"> ■ to appoint surveyor. 	<p><u>English and Chinese texts</u></p> <p>Regulation 23(2) is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(h) of Division 3 of Part 2 of Schedule 4	413 D Merchant Shipping (BCH Code) Regulations	<p>These regulations provide for matters relating to the “Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk” published by the International Maritime Organization.</p> <p>Major function to be transferred from STH to SCI is –</p> <ul style="list-style-type: none"> ■ to appoint surveyor. 	<p><u>English and Chinese texts</u></p> <p>The following regulations are amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長” –</p> <ul style="list-style-type: none"> ■ regulation 1(3)(d); and ■ regulation 4(2).
Section 1(i) of Division 3 of Part 2 of Schedule 4	413 E Merchant Shipping (IBC Code) Regulations	<p>These regulations provide for matters relating to the “International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk” published by the International Maritime Organization.</p> <p>Major function to be transferred from STH to SCI is –</p> <ul style="list-style-type: none"> ■ to appoint surveyor. 	<p><u>English and Chinese texts</u></p> <p>The following regulations are amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長” –</p> <ul style="list-style-type: none"> ■ regulation 1(3)(c); and ■ regulation 4(2).

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(j) of Division 3 of Part 2 of Schedule 4	448B Hong Kong Civil Aviation (Investigation of Accidents) Regulations	<p>These regulations provide for matters relating to the investigation of accidents arising out of or in the course of air navigation for the purpose of determining the circumstances and causes of the accident with a view to the preservation of life and the avoidance of accidents in the future.</p> <p>Major function to be transferred from STH to SCI is –</p> <ul style="list-style-type: none"> ■ to concur with the Director-General of Civil Aviation on expenses allowed for persons summoned by the Inspector of Accidents or the board or review as a witness in accordance with these regulations. 	<p><u>English and Chinese texts</u></p> <p>The following regulations are amended by repealing “Secretary Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長” –</p> <ul style="list-style-type: none"> ■ regulation 10(4); and ■ regulation 14(6).
Section 1(k) of Division 3 of Part 2 of Schedule 4	506 Freight Containers (Safety) Ordinance	<p>This ordinance provides for matters relating to the safety of freight containers in use in Hong Kong.</p> <p>Major function to be transferred from STH to SCI is –</p> <ul style="list-style-type: none"> ■ to make regulations for the purpose of this ordinance and for giving effect to any provision of the International Convention for Safe Containers applicable to Hong Kong. 	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” in Section 2(1) is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”.</p>
Section 1(l) of Division 3 of Part 2 of Schedule 4	582 Merchant Shipping (Security of Ships and Port Facilities) Ordinance	<p>This ordinance serves to implement the December 2002 amendments to the International Convention for the Safety of Life at Sea, 1974 and the International Ship and Port Facility Security Code and related provisions in the Convention to enhance security of ships and port facilities; and to provide for incidental or related matters.</p> <p>Major function to be transferred from STH to SCI is –</p> <ul style="list-style-type: none"> ■ to make rules. 	<p><u>English and Chinese texts</u></p> <p>The definition “Secretary” in Section 3(1) is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(m) of Division 3 of Part 2 of Schedule 4	1042 Sailors Home and Missions to Seaman Incorporation Ordinance	<p>This ordinance provides for the incorporation of the Sailors Home and Missions to Seamen.</p> <p>Major function to be transferred from STH to SCI is –</p> <ul style="list-style-type: none"> ■ to issue certificate which shall be conclusive evidence of the appointment of members of committee of the Sailors Home and Missions to Seamen. 	<p><u>English and Chinese texts</u></p> <p>Section 3(2) is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”.</p>
Section 1(n) of Division 3 of Part 2 of Schedule 4	1 of 2005 Merchant Shipping (Limitation of Shipowners Liability)(Amendment) Ordinance 2005	<p>This ordinance is to amend the Merchant Shipping (Limitation of Shipowners Liability) Ordinance (Cap. 434).</p> <p>Major function to be transferred from STH to SCI is –</p> <ul style="list-style-type: none"> ■ to appoint a date for the coming into operation of sections 2(b), 11, 12, 14(a) and b(i) and 20 of this ordinance. 	<p><u>English and Chinese texts</u></p> <p>Section 1(3) is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”.</p>
Section 1(o) of Division 3 of Part 2 of Schedule 4	10 of 2009 Merchant Shipping (Safety) (Amendment) Ordinance 2009	<p>This ordinance is to adapt, remove or replace outdated provisions and references in the Merchant Shipping (Safety) Ordinance (Cap. 369).</p> <p>Major function to be transferred from STH to SCI is –</p> <ul style="list-style-type: none"> ■ to appoint a date for the coming into operation of sections 3(1), (2), (3), (4) and (6), 4, 5, 9, 10, 11, 12, 14, 15, 16, 17, 30(8), 33, 34(1), 37, 42(3), 43, 44(1), (2) and (4), 45, 46(2) and 47 and Part 4 of this ordinance. 	<p><u>English and Chinese texts</u></p> <p>Section 2(2) is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 1(p) of Division 3 of Part 2 of Schedule 4	L.N. 158 of 2011 Air Transport (Licensing of Air Services) (Amendment) Regulation 2011	<p>This Regulation amends the Air Transport (Licensing of Air Services) Regulations (Cap. 448 sub. leg. A).</p> <p>Major function to be transferred from STH to SCI is –</p> <ul style="list-style-type: none"> ■ to appoint a day by notice published in the Gazette for the commencement of the Regulation. 	<p><u>English and Chinese texts</u></p> <p>The following regulation is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長” –</p> <ul style="list-style-type: none"> ■ Section 1.
Section 2 of Division 3 of Part 2 of Schedule 4	1C Specification of Public Offices	<p>Cap. 1C sets out the public officers who may delegate to another public officer the powers conferred or duties imposed on him / her by any particular ordinance.</p> <p>Major function to be transferred from STH to SCI is –</p> <ul style="list-style-type: none"> ■ to delegate to another public officer the powers provided for in section 5 of the Merchant Shipping (Safety) Ordinance (Cap 369). 	<p><u>English and Chinese texts</u></p> <p>The relevant item is amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary for Commerce and Industries” / “工商及產業局局長”.</p>
Section 3 of Division 3 of Part 2 of Schedule 4	369 AM Merchant Shipping (Safety) (Passenger Ship Construction and Survey)(Ships Built on or after 1 September 1984) Regulations	<p>These regulations provide for the safety requirements over construction and survey of passenger ships.</p> <p>Major function to be transferred from STH to SCI is –</p> <ul style="list-style-type: none"> ■ to appoint Government Surveyors. 	<p><u>English and Chinese texts</u></p> <p>The definition of “Government Surveyor” in regulation 1(2) is amended by repealing “by the Secretary for Transport and Housing” / “由運輸及房屋局局長”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 4 of Division 3 of Part 2 of Schedule 4	478 Merchant Shipping (Seafarers) Ordinance	<p>This ordinance is to consolidate and amend the law relating to seafarers, and to introduce new provisions relating to seafarers and to certain persons carried on but not employed in ships</p> <p>Major functions to be transferred from STH to SCI are -</p> <ul style="list-style-type: none"> ■ to appoint a place to be the Mercantile Marine Office; ■ to appoint non-official members of the Seafarers' Advisory Board; ■ to make regulations; and ■ to amend Schedule 1 to the ordinance. 	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” is added in alphabetical order to section 2(1) to read: ““Secretary” (局長) means the Secretary for Commerce and Industries;” / ““局長” (Secretary) 指工商及產業局局長;”</p> <p>The following sections are amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary” / “局長” –</p> <ul style="list-style-type: none"> ■ section 5(2); ■ section 6(4); ■ section 6(5); ■ section 6(6); ■ section 17; ■ section 18(3); ■ section 19(1)(c); ■ section 72(1); ■ section 73(1); ■ section 80(5);

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
			<ul style="list-style-type: none"> ■ section 81; ■ section 82(1); ■ section 86; ■ section 89(1); ■ section 89(2); ■ section 89(3); ■ section 95(2); ■ section 96(1); ■ section 97(1); ■ section 100(1); ■ section 104(1); ■ section 107(1); ■ section 119(2); ■ section 120(e); ■ section 121(1); and ■ section 125(4).

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 5 of Division 3 of Part 2 of Schedule 4	548 Merchant Shipping (Local Vessels) Ordinance	<p>This ordinance provides for regulation and control of local vessels in Hong Kong or in the waters of Hong Kong and for other matters affecting local vessels, including their navigation and safety at sea.</p> <p>Major functions to be transferred from STH to SCI are –</p> <ul style="list-style-type: none"> ■ to determine remuneration for the person holding inquiry into the fitness or conduct of holder of local certificate of competency as well as that for the assessors assisting such person; ■ to allow for the delegation of power by the Director of Marine in respect of the power to exempt persons or local vessels from any requirement of the ordinance; ■ to empower the Director of Marine to exempt local vessels from the requirements of regulations made under section 89(1)(zh)(i) and 4(c); and ■ to make regulations. 	<p><u>English and Chinese texts</u></p> <p>The definition of “Secretary” is added in alphabetical order to section 2 to read: “Secretary (局長) means the Secretary for Commerce and Industries;” / “局長 (Secretary) 指工商及產業局局長;”.</p> <p>The following sections are amended by repealing “Secretary for Transport and Housing” / “運輸及房屋局局長” and substituting “Secretary” / “局長” –</p> <ul style="list-style-type: none"> ■ section 17(3); ■ section 72(3)(c); ■ section 72(3)(d); ■ section 89(1); and ■ section 89(2).

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 6(a) of Division 3 of Part 2 of Schedule 4	112AQ Specification of Arrangements (Swiss Federal Council) (Avoidance of Double Taxation on Income from Aircraft Operation) Order	<p>The arrangements specified for the purposes of section 1(a) are the arrangements in Article 10 bis of the Agreement between the Government of Hong Kong and the Swiss Federal Council concerning Air Services done in duplicate at Hong Kong on 26 January 1988 in the English and French languages. That Article 10 bis, the English text of which is reproduced in the Schedule, was added to the Agreement by an exchange of letters between the Government of the Hong Kong Special Administrative Region of the People's Republic of China and the Swiss Federal Council on 7 June 2004 and 21 July 2004. Major function to be transferred from STH to SCI is –</p> <ul style="list-style-type: none"> ■ to make both the English and French language texts of the Agreement available for inspection. 	<p><u>English and Chinese texts</u></p> <p>The note to section 2 is amended by repealing “Transport and Housing Bureau” / “運輸及房屋局” and substituting “Commerce and Industries Bureau” / “工商及產業局”.</p>
Section 6(b) of Division 3 of Part 2 of Schedule 4	112AU Specification of Arrangements (Government of Republic of Iceland) (Avoidance of Double Taxation on Income from Aircraft Operation) Order	<p>The arrangements specified for the purposes of section 1(a) are the arrangements in Article 10 of the Agreement between the Government of the Hong Kong Special Administrative Region of the People's Republic of China and the Government of the Republic of Iceland concerning Air Services done in duplicate at Reykjavik on 9 August 2004 in the English and Icelandic languages, the English text of which Article is reproduced in the Schedule. Major function to be transferred from STH to SCI is –</p> <ul style="list-style-type: none"> ■ to make both the English and Icelandic language texts of the Agreement available for inspection. 	<p><u>English and Chinese texts</u></p> <p>The note to section 2 is amended by repealing “Transport and Housing Bureau” / “運輸及房屋局” and substituting “Commerce and Industries Bureau” / “工商及產業局”.</p>

The Resolution	Cap.	Description	Textual amendments provided for in the Resolution
Section 6(c) of Division 3 of Part 2 of Schedule 4	112AV Specification of Arrangements (Government of the Hashemite Kingdom of Jordan) (Avoidance of Double Taxation on Income from Aircraft Operation) Order	<p>The arrangements specified for the purposes of section 1(a) are the arrangements in Article 9 of the Agreement between the Government of the Hong Kong Special Administrative Region of the People's Republic of China and the Government of the Hashemite Kingdom of Jordan concerning Air Services done in duplicate at Amman on 28 August 2004 in the English and Arabic languages, the English text of which Article is reproduced in the Schedule. Major function to be transferred from STH to SCI is –</p> <ul style="list-style-type: none"> ■ to make both the English and Arabic language texts of the Agreement available for inspection. 	<p><u>English and Chinese texts</u></p> <p>The note to section 2 is amended by repealing “Transport and Housing Bureau” / “運輸及房屋局” and substituting “Commerce and Industries Bureau” / “工商及產業局”.</p>

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