

L.Peng (#41837)

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**PUBLIC HEALTH AND MUNICIPAL SERVICES
(AMENDMENT) BILL 2001**

COMMITTEE STAGE

Amendments to be moved by the Secretary for the Environment and Food

<u>Clause</u>	<u>Amendment Proposed</u>
2	(a) In paragraph (b), by deleting the full stop at the end and substituting a semicolon. (b) By adding - "(c) in subsection (10)(c), by repealing " 擯去 " and Substituting " 移去 " .".
3	(a) By deleting the proposed section 128A(1)(b) and substituting - "(b) any premises - (i) on or from which any restricted food specified in Schedule 2 to the Food Business Regulation (Cap. 132 sub. leg.)

- is sold or offered or exposed for sale; or
 - (ii) on which any such food is possessed for sale or for use in the preparation of any article of food for sale;"
 - (b) In the proposed section 128A(1)(d), by deleting "regulation" and substituting "section".
 - (c) In the proposed section 128A(2) -
 - (i) in the definition of "immediate health hazard", by deleting "from or handled or sold on" and substituting "on or from, or handled or possessed on,";
 - (ii) by adding -
 - ""use" (用、使用), in relation to any premises referred to in subsection (1)(c), includes occupy."
 - (d) In the proposed section 128A(3) -
 - (i) by deleting "from or handled or sold on" wherever it appears and substituting "on or from, or handled or possessed on,";
 - (ii) in paragraph (b), by deleting "a contaminated or unapproved source" and substituting "an unapproved source or from a source that, as shown from inspection findings, data from epidemiological investigation or other laboratory evidence, is contaminated with

- pathogens, biotoxins, chemicals or other substances"
- (e) In the proposed section 128A, by adding -
- "(4) In subsections (2) and (3) -
- (a) a reference to food supplied on or from any premises includes food sold, or offered or exposed for sale, on or from the premises;
 - (b) a reference to food handled on any premises includes food manufactured on the premises; and
 - (c) a reference to food possessed on any premises means food possessed on the premises for sale or for use in the preparation of any article of food for sale."
- (f) In the proposed section 128B(1) -
- (i) in paragraph (a) -
 - (A) by deleting "將" and substituting "使用";
 - (B) by deleting "作某項用途";
 - (ii) in paragraph (b), by adding "進行" before "第";
 - (iii) by deleting "(as the case may be) on any premises" and substituting "on any premises (as the case may be)";
 - (iv) by deleting "作如此用途、" and substituting "如此使用、";
 - (v) by adding "(1A) and" before "(2)".

- (g) In the proposed section 128B, by adding -
 - "(1A) Subsection (1) does not apply if -
 - (a) the use or the activity is one that is required under section 30(1) of the Food Business Regulation (Cap. 132 sub. leg.) to be permitted;
 - (b) a food business within the meaning of that Regulation is carried on or from the premises; and
 - (c) the food business is required under that Regulation to be licensed and has been licensed under that Regulation."
- (h) In the proposed section 128B(4) -
 - (i) by deleting "to" where it first appears;
 - (ii) by deleting paragraph (a) and substituting -
 - "(a) if, at the date of application for the order, the premises are used for human habitation, to prevent such habitation on the premises; or";
 - (iii) in paragraph (b), by adding "to" before "affect".
- (i) In the proposed section 128B(7)(a), by deleting "the premises or the activity" and substituting ", or the activity to be conducted on, the premises".

- (j) In the proposed section 128B(8) -
 - (i) by adding "或安排他人將" after "須將";
 - (ii) by deleting "或安排他人如此行事";
 - (iii) by adding "或安排他人將" after "可將";
 - (iv) by deleting "或安排將其截斷".
- (k) In the proposed section 128B(16), by deleting "掌控" and substituting "控制".
- (l) In the proposed section 128C(1), by deleting "to which this section applies" where it secondly appears.
- (m) In the proposed section 128C(2) -
 - (i) by deleting "to" where it first appears;
 - (ii) by deleting paragraph (a) and substituting -
 - "(a) if, at the date of making of the order, the premises are used for human habitation, to prevent such habitation on the premises; or";
 - (iii) in paragraph (b), by adding "to" before "affect".
- (n) In the proposed section 128C, by adding -
 - "(2A) A closure order made in respect of any premises shall be served -
 - (a) by sending a copy of it to the owner of the premises by registered post addressed to his last known place of

- business or residence; and
- (b) by affixing a copy of it at a conspicuous place on the premises."
- (o) In the proposed section 128C(3), by deleting "affixed at a conspicuous place on the premises in respect of which it is made" and substituting "served under subsection (2A)(b)".
- (p) In the proposed section 128C(6)(a) -
- (i) by deleting "或活動";
- (ii) by deleting "用途或擬" and substituting "使用或擬在該處所內".
- (q) In the proposed section 128C(6)(b), by adding "內" before "進行".
- (r) By deleting the proposed section 128C(10) and substituting -
- "(10) The lodging of an application to a magistrate under section 104 or 105 of the Magistrates Ordinance (Cap. 227), or an appeal to a judge under section 113 of that Ordinance, in respect of the court's decision under subsection (8) to confirm the Authority's decision does not operate as a stay of execution of a closure order unless the magistrate or the judge otherwise orders."
- (s) In the proposed section 128(11),
- (i) by adding "或安排他人將" after "須將";

- (ii) by deleting "或安排他人如此行事";
 - (iii) by adding "或安排他人將" after "可將";
 - (iv) by deleting "或安排將其截斷".
 - (t) In the proposed section 128C(19), by deleting "掌控" and substituting "控制".
 - (u) By deleting the proposed section 128C(23) and substituting -
 - "(23) The lodging of an application to a magistrate under section 104 or 105 of the Magistrates Ordinance (Cap. 227), or an appeal to a judge under section 113 of that Ordinance, in respect of the court's decision under subsection (21) to confirm a closure order does not operate as a stay of execution of the closure order unless the magistrate or the judge otherwise orders."
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- (a) By deleting "by adding -" and substituting -
 - "-
 - (a) in Form F, in Note 3, by repealing "撕去" and substituting "移去";
 - (b) in Form G, in Note 2, by repealing "撕去" and substituting "移去";
 - (c) by adding "-".
 - (b) In the proposed Form H, by adding "or occupied" after "used".

- (c) In the proposed Form I -
 - (i) by deleting "NOW on proof to my satisfaction" and substituting "I now have reasonable cause to believe";
 - (ii) by deleting "the use of the premises/vessel/that part of the vessel/the activity#" and substituting "the use or occupation of/the activity to be conducted on or in* the premises/vessel/that part of the vessel*";
 - (iii) by adding "or occupied" after "not be used";
 - (iv) by adding "/in the vessel/in that part of the vessel*" after "conducted on the premises";
 - (v) by deleting "to seek legal remedy" and substituting "against this order".
- (d) In the proposed Form J -
 - (i) by adding "or occupation" after "the use";
 - (ii) by deleting "activity conducted on*" and substituting "the activity conducted on or in*";
 - (iii) by adding "or occupied" after "not be used";
 - (iv) by adding "/in the vessel/in that part of the vessel*" after "conducted on the premises".