

本函檔號 Our ref: EFB(CR) 10/8/7
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31 October 2001

Mrs Constance Li
Clerk to Bills Committee
Public Health and Municipal Services (Amendment) Bill
Legislative Council Building
8 Jackson Road, Central
Hong Kong
(Fax: 2509 0775)

Dear Mrs Li,

**Bills Committee on
Public Health and Municipal Services (Amendment) Bill 2001
Follow-up to meeting on 16 October 2001**

Thank you for your letter of 17 October 2001.

We have incorporated most of the Members' comments as set out in your letter in the revised CSAs at Annex A other than the following –

- (a) *Improving section 128D(4)* – Section 128D(4) empowers the Chief Executive to appoint a panel of persons whom he considers suitable for a particular purpose - appointment under subsection 8(b) as members of the Appeal Board to hear an appeal. If one reads the whole of section 128D(4), one will not construe the word “appointment” as Chief Executive's appointment of panel of persons because otherwise the words “as members of the Appeal

Board to hear an appeal” will become redundant. Similar provisions can be found in other existing legislation, such as section 32M(5) of the *Telecommunications Ordinance (Cap. 106)* and section 43(3) of the *Public Order Ordinance (Cap. 245)*. The relevant provisions of these Ordinances are at Annex B. As such, we have not proposed any amendments to section 128D(4).

- (b) *Time limit in section 128D(12)* – We do not propose to set out a time limit for the Appeals Board to provide a written decision. There may be instances where, for example, legal advice may need to be sought in respect of the wording of the decision. However, we propose to include a provision in the rules of the Appeals Board to the effect that the Board may order its decision to come into operation immediately.

The following officers will attend the next Bills Committee meeting –

Mr David Lau, Principal Assistant Secretary (A)2
Environment and Food Bureau

Ms Winnie So, Assistant Director (Headquarters)
Food and Environmental Hygiene Department

Mr S W Wong, Senior Superintendent (Licensing)
Food and Environmental Hygiene Department

Mr Lawrence Peng, Senior Government Counsel
Department of Justice

Yours sincerely,

(David K K Lau)
for Secretary for the Environment and Food

DFEH (Attn: Ms Winnie So
Mr S W Wong)

D of J (Attn: Mr Yip Wing-sang
Mr Lawrence Peng)