

立法會
Legislative Council

LC Paper No. LS120/01-02

**Paper for the House Committee Meeting
on 21 June 2002**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 14 June 2002**

- Date of Tabling in LegCo** : 19 June 2002
- Amendment to be made by** : The second meeting of LegCo in the next session (or the first meeting of LegCo not earlier than the twenty-first day after the day of the second meeting in the next session if extended by resolution)

PART I REPEAL OF SUBSIDIARY LEGISLATION

**Public Health and Municipal Services Ordinance (Cap. 132)
Designation of Public Funeral Hall (Repeal) Order 2002 (L.N. 101)**

The Director of Food and Environmental Hygiene has repealed the Designation of Public Funeral Hall Order (Cap. 132 sub. leg.) as from the date of gazettal. That Order designated the Hung Hom Public Funeral Parlour ("the Parlour") at 6 Cheong Hang Road, Hung Hom as a public funeral hall in 1983.

We have asked the Administration why that Order was repealed. According to the Administration, the usage rate of the Parlour was persistently low. The Administration considered it more cost-effective and efficient to contract out the operation of the Parlour to the private sector. Members may refer to the Administration's information note as attached for details.

PART II COMMENCEMENT NOTICE

Hong Kong Court of Final Appeal Ordinance (Cap. 484)

Hong Kong Court of Final Appeal (Amendment) Ordinance 2002 (11 of 2002) (Commencement) Notice 2002 (L.N. 102)

The Chief Justice has appointed 2 December 2002 as the day on which the Hong Kong Court of Final Appeal (Amendment) Ordinance 2002 (11 of 2002) is to come into operation. The Amendment Ordinance provides for an appeal mechanism, commonly known as the "leapfrog appeal", whereby civil appeals may be brought directly from the Court of First Instance to the Court of Final Appeal if a certificate has been issued by a judge of the Court of First Instance and leave to appeal is granted by the Court of Final Appeal.

Encl.

Prepared by

HO Ying-chu, Anita
Assistant Legal Adviser
Legislative Council Secretariat
17 June 2002

LS/S/36/01-02

Designation of Public Funeral Hall (Repeal) Order 2002
(Made under section 123A of the
Public Health and Municipal Services Ordinance (Cap. 132))

The Hung Hom Public Funeral Parlour (HHPFP) was designated as a public funeral hall in 1983 and provided low-cost funeral services. However, the usage rate of HHPFP was persistently low, and dropped to only about 10% in 1999. After analyzing the trend of death rate, the usage rate of other funeral parlours, the demand and pricing of funeral services operated by the private sector, the utilization rate of the HHPFP and the affordability of the public, the Government considered it more cost-effective and efficient to contract out the HHPFP to be operated by private sector through an open tender exercise.

A special clause has been included in the general conditions of agreement of the tender document requiring the successful tenderer to provide low-cost funeral services to any needed families (in general, the social security recipients) referred by the Social Welfare Department or other relevant agencies at a fee of not more than \$11,070 per funeral service. As the social security recipients are eligible for a burial grant of up to \$11,070, needed families will not have any problem in using the funeral services provided by the new operator.

The outsourcing exercise was completed recently and the HHPFP has already been handed over to the successful tenderer. As such, the HHPFP should no longer be a designated public funeral hall and its name should be taken out from the existing Designation of Public Funeral Hall Order (“the Order”). Since the HHPFP is the only public funeral hall designated in the Order, we therefore propose to repeal the whole Order.

Food and Environmental Hygiene Department
June 2002