

**立法會**  
**Legislative Council**

Ref : CB2/BC/9/04

LC Paper No. CB(2) 990/05-06  
(These minutes have been seen by  
the Administration)

**Bills Committee on Public Health and  
Municipal Services (Amendment) Bill 2005**

**Minutes of the meeting  
held on Tuesday, 17 January 2006 at 11:10 am  
in Conference Room A of the Legislative Council Building**

**Members present** : Hon Fred LI Wah-ming, JP (Chairman)  
Hon WONG Yung-kan, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Daniel LAM Wai-keung, BBS, JP  
Hon CHEUNG Hok-ming, SBS, JP

**Members absent** : Hon Andrew CHENG Kar-foo  
Dr Hon KWOK Ka-ki

**Public Officers attending** : Item II

Mr Vincent LIU  
Principal Assistant Secretary (Food & Environmental Hygiene) 2  
Health, Welfare and Food Bureau

Miss Wendy AU  
Assistant Secretary (Food & Environmental Hygiene) 5  
Health, Welfare and Food Bureau

Ms Rhonda LO  
Assistant Director (Operations) 3  
Food and Environmental Hygiene Department

Mr YIP Wing-sang  
Senior Assistant Law Officer (Civil Law)  
Department of Justice

Ms Carmen CHU  
Senior Government Counsel  
Department of Justice

**Clerk in attendance** : Mrs Constance LI  
Chief Council Secretary (2)5

**Staff in attendance** : Mr Stephen LAM  
Assistant Legal Adviser 4

Miss Josephine SO  
Council Secretary (2)1

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**I. Applications from four Members for joining the Bills Committee under Rule 23 of House Rules**

[LC Paper Nos. CB(2)854/05-06(01) & (02) and CB(2)892/05-06(01) & (02)]

The Bills Committee accepted the applications from Mr CHEUNG Hok-ming, Mr Daniel LAM Wai-keung, Mr Andrew CHENG Kar-foo and Dr KWOK Ka-ki for joining the Bills Committee.

**II. Meeting with the Administration**

[LC Paper Nos. CB(2)854/05-06(04)]

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).
3. Mr CHEUNG Hok-ming declared that he was the appointed manager of his “tso t’ong” in the New Territories.
4. Members raised the following concerns –
  - (a) appointed managers of private land (which was held in the name of t’ong) would be held liable for failure to comply with the requirements of a notice to take necessary mosquito control measures while they were absent from Hong Kong;
  - (b) the new procedure introduced by the Town Planning Board on land filling would make it difficult for private land owners to take prompt actions to clear mosquito breeding sites by land filling;

- (c) some government works in the New Territories had caused accumulation of water especially on low lying areas which had become mosquito breeding sites. These government works had impact on the abandoned agricultural land or village houses in the vicinity; and
- (d) the powers of entry to residential premises without serving a notice on the person responsible for the premises should be strictly restricted to very exceptional circumstances, such as causing “mosquito-related health hazard”. Such exceptional circumstances should be clearly defined in the Bill.

5. The Administration gave the following responses –

- (a) under the existing section 27(2) of Cap. 132, the manager of the land shall be guilty of an offence for failure to comply with the notice, whereas under the proposed amendments to section 27(2) and section 27(2A) in the Bill, they would have the opportunity to raise defence. The new arrangement was more lenient and reasonable;
- (b) Heung Yee Kuk had been invited to provide a list of land that were considered difficult to prevent or clear accumulation of water. FEHD would inspect the land and advise on appropriate anti-mosquito measures;
- (c) under the proposed section 27(3)(b) in the Bill, the land owner or manager of the land would only be held liable if the mosquito breeding problem was attributed by his/her action, default or sufferance. The land owner or manager of the land would not be liable if the mosquito breeding problem was caused by factors beyond his/her control; and
- (d) there was a need to define the term “mosquito-related health hazard” in FEHD’s internal guideline so that the Administration could deal with a new mosquito-borne disease immediately in case of emergency. A warrant from the Court under section 126(2) of Cap. 132 for entry into private premises for anti-mosquito actions would still be necessary even under a “mosquito-related health hazard” situation.

6. The Bills Committee requested the Administration to provide the following –

- (a) the total number of cases in which the Authority had exercised the powers of entry to private premises under section 126(2) of Cap. 132 in the past five years, and the nature of such cases;

- (b) the guidelines specifying the circumstances for determining whether a certain place would cause “mosquito-related health hazard”; and
- (c) the rank(s) of public officers who would be authorized to exercise the powers of entry to private premises.

7. The Bills Committee also requested the Administration to consult the Panel on Food Safety and Environmental Hygiene whenever the Authority wished to revise the internal guidelines for determining whether a certain place would give rise to “mosquito-related health hazard”.

8. The Bills Committee agreed that the next meeting would be held on 6 February 2006 at 4:30 pm.

9. The meeting ended at 12:28 pm.

Council Business Division 2  
Legislative Council Secretariat  
2 February 2006

**Proceedings of the meeting of the  
Bills Committee on Public Health and Municipal  
Services (Amendment) Bill 2005  
on Tuesday, 17 January 2006 at 11:10 am  
in Conference Room A of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
002004 - 002448	Chairman Hon Tommy CHEUNG Hon Daniel LAM Hon WONG Yung-kan	Applications from four Members for joining the Bills Committee	
002449 – 002535	Chairman	Date of the next meeting	
002536 – 003133	Admin	Report on the results of the consultation exercise on the Bill	
003134 – 004509	Hon CHEUNG Hok-ming Admin	Declaration of interest  Legal liability of appointed managers of private land (held in the name of t'ong)  Circumstances and procedures for serving notice on the person responsible for the premises, and exercising the powers of entry to private premises  Difficulties encountered in carrying out anti-mosquito work in abandoned or unattended premises which appeared to cause “mosquito-related health hazard”	
004510 – 011332	Hon Tommy CHEUNG Admin Chairman	Time and procedures required for applying for a warrant under section 126(2) of Cap. 132  Difficulties encountered in mosquito control operations under the existing provisions of Cap. 132, particularly in places where prompt action was necessary	

Time marker	Speaker	Subject(s)	Action Required
		<p>Exercising of powers of entry under section 126 of Cap. 132, and the circumstances requiring the giving of 2 hours' notice</p> <p>Conditions for applying warrants from the magistrate to enter private premises</p>	<p><b>Admin to provide number of cases and the nature of such cases (paragraph 6(a) of the minutes refers)</b></p>
011333 – 011857	ALA4 Admin	The differences between the conditions in section 126 and the proposed section 27(1B) in the Bill in relation to the powers of entry into private premises	
011858 – 012144	Hon Daniel LAM Admin	<p>The impact of government works in the New Territories on agricultural land which could easily have water accumulation and become mosquito breeding grounds</p> <p>The legislative intent for empowering the Government to take action for prevention of mosquitoes breeding as proposed in the Bill</p>	
012145 – 012724	Hon CHEUNG Hok-ming Admin	Difficulties posed by the new procedure of Town Planning Board on land filling	
012725 – 013851	Hon Tommy CHEUNG Admin Chairman	<p>Circumstances for determining whether a place would cause “mosquito-related health hazard”</p> <p>Public officers to be authorized to exercise the powers of entry to private premises</p>	<p><b>Admin to provide the internal guidelines</b></p> <p><b>Admin to provide information on rank(s) of the authorized public officers</b></p>

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
		Admin to consult the Panel on Food Safety and Environmental Hygiene on proposed revisions to the guidelines for determining whether a place would give rise to “mosquito-related health hazard”	
013852 – 014026	Chairman	Follow-up actions by the Administration  Date of next meeting	

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2 February 2006