

**立法會**  
**Legislative Council**

Ref : CB2/BC/9/04

LC Paper No. CB(2) 1143/05-06  
(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 Monday, 6 February 2006 at 4:30 pm  
in Conference Room B 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  
Dr Hon KWOK Ka-ki

**Members absent** : Hon Andrew CHENG Kar-foo  
Hon CHEUNG Hok-ming, SBS, JP

**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. Confirmation of minutes of meeting**  
[LC Paper Nos. CB(2)990/05-06]

The minutes of meeting on 17 January 2006 were confirmed.

**II. Meeting with the Administration**

(a) Administration's response to issues raised  
[LC Paper Nos. CB(2)991/05-06(01), CB(2)854/05-06(05)&(06),  
CB(2)1598/04-05(04)-(06) and CB(2)1645/04-05(01)]

2. The Bills Committee noted the Administration's responses to issues raised at the last meeting and those previously raised by Hon WONG Yung-kan and the legal adviser to the Bills Committee.

3. The Bills Committee requested the Administration to check with the Lands Department (LD) how it dealt with the problems of water accumulation and mosquito-breeding on fenced vacant government land, and provide members with LD's internal guidelines, if any, regarding its anti-mosquito measures in respect of government land.

(b) Clause-by-clause examination  
[LC Paper Nos. CB(3) 521/04-05 and CB(2) 1598/04-05(03)]

4. The Bills Committee completed clause-by-clause examination of the Bill.

5. In connection with the proposed new sections 27(3)(a) and 27(3A) in the Bill, the Administration informed members that it intended to move Committee Stage amendments to maintain the current arrangement to hold the appointed contractor responsible for any mosquito breeding problem identified in the building site. The draft Committee Stage amendments would be provided to the Bills Committee for examination at its next meeting.

6. The record of the proceedings of the Bills Committee's deliberations is indexed and attached at the **Annex**.

### **III. Date of next meeting**

7. The Bills Committee agreed to hold the next meeting on 20 February 2006 at 9:00 am.

8. The meeting ended at 5:38 pm.

Council Business Division 2  
Legislative Council Secretariat  
16 February 2006

**Proceedings of the meeting of the  
Bills Committee on Public Health and Municipal  
Services (Amendment) Bill 2005  
on Monday, 6 February 2006 at 4:30 pm  
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000209 - 001505	Chairman Hon WONG Yung-kan Hon Daniel LAM Admin	Administration's responses to issues raised at the meeting on 17 January 2005 [LC Paper No. CB(2)991/05-06(01)]  Actions to be taken by FEHD staff before exercising the powers of entry to private premises under section 126(2) of Cap. 132  Procedures for posting the "Notice of Intended Entry" and "Notice of Intention to Apply for Warrant of Entry" and the 2-hour notice requirement	
001506 - 002111	ALA4 Admin	Meaning of "the person responsible for the premises" in the proposed new subsection 27(1AA) and "the occupier of such premises" in the existing section 126 of Cap. 132  The legislative intent to empower the authority to serve notice on "the person responsible for the premises" to carry out anti-mosquito work as proposed in the Bill  Application of the powers of entry under section 126 of Cap. 132	
002112 - 003329	Hon Tommy CHEUNG Admin	Circumstances for invoking the powers of entry into private premises under section 126 of Cap. 132 and the guidelines  Procedures for FEHD staff to deal with premises which appeared to pose "mosquito-related health hazard"	

Time marker	Speaker	Subject(s)	Action Required
		The time and the procedures required for applying for a warrant from the court under section 126(2) of Cap. 132	
003330 - 003945	Hon Daniel LAM Admin Chairman Hon Tommy CHEUNG	Criteria for determining whether a place would cause “mosquito-related health hazard”  Liability of the appointed manager of private land, and the penalties under the Bill, for failure to comply with the requirements to remove water accumulation and take necessary mosquito control measures	
003946 – 004658	ALA4 Hon Tommy CHEUNG Admin Chairman	Clarification on whether the proposed new sections 27(3) and 27(3A) are strict liability offences	
004659 - 005018	Chairman Admin Hon Tommy CHEUNG Hon WONG Yung-kan	The Administration’s intention to move CSAs to maintain the current arrangement to hold the appointed contractor responsible for any mosquito breeding problem in the building site  The person to be served with the notice if there is no registered contractor appointed in respect of a building site in accordance with the Building Ordinance	
005019 – 005641	Hon WONG Yung-kan Admin ALA4 Chairman Hon Daniel LAM Hon Tommy CHEUNG	Application of the proposed new section 27(3) where mosquito-breeding problem was found on vacant land or premises owned by the Government  Anti-mosquito measures adopted by the District Anti-Mosquito Task Force  Measures and guidelines adopted by the Lands Department in dealing with mosquito-breeding sites on vacant government land	<b>Admin to provide the information and the internal guidelines, if available</b>

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
005642 - 010339	Chairman ALA4 Admin Hon Tommy CHEUNG Hon WONG Yung-kan	Clause-by-clause examination  The Administration's intention to move CSAs to the proposed sections 27(3)(a) and 27(3A) to maintain the current arrangement to hold the appointed contractor responsible for any mosquito breeding problem in the building site	<b>Admin to provide the proposed draft Committee Stage amendments (paragraph 5 of the minutes refer)</b>
010340 - 010705	Hon Tommy CHEUNG Chairman Admin	Follow-up actions by the Administration  Date of next meeting	

Council Business Division 2  
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16 February 2006