

**立法會**  
**Legislative Council**

LC Paper No. CB(2) 854/05-06(03)

Ref: CB2/BC/9/04

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

**Updated brief for the meeting on 17 January 2006**

**Purpose**

This paper provides updated background information for the meeting of the Bills Committee on Public Health and Municipal Services (Amendment) Bill 2005 on 17 January 2006.

**Background**

2. The Public Health and Municipal Services (Amendment) Bill 2005 was introduced into the Legislative Council on 4 May 2005. The Bill seeks to amend the Public Health and Municipal Services Ordinance (Cap. 132) (“the Ordinance”) to —

- (a) in relation to premises where there is accumulation of water likely to contain larvae or pupae of mosquitoes, or an article capable of causing accumulation of water which allows the breeding of mosquitoes, empower the Authority (defined under the Ordinance to mean the Director of Food and Environmental Hygiene) to serve a notice on the person responsible for such premises requiring him to take remedial actions;
- (b) where a person fails to comply with any requirement of a notice served under (a) or where there is upon premises any accumulation of water or any article posing a mosquito-related health hazard, empower the Authority to take necessary actions to remove any accumulation of water or prevent the breeding of mosquitoes on such premises and to recover the costs incurred by the Authority in the taking of such actions from specified person; and
- (c) create new offences.

3. At the House Committee meeting on 6 May 2005, Members agreed that a Bills Committee should be formed to study the Bill. Three Members applied to join the Bills Committee before the deadline on 18 May 2005.

4. At the first meeting of the Bills Committee on 24 May 2005, Hon Tommy CHEUNG expressed various concerns including the procedure for exercising the power of entry into private premises, given that about 24 000 multi-storey buildings without owners' corporations, more than 2 000 abandoned huts, and vast areas of private farmland would be affected by the Bill. Hon Tommy CHEUNG and Hon WONG Yung-kan considered that the Administration should consult the 18 District Councils (DCs) and Heung Yee Kuk (HYK) on the proposals in the Bill.

5. The Bills Committee then decided to hold in abeyance the consideration of the Bill until the Administration had consulted the 18 DCs and HYK on the Bill. The Bills Committee reported its decision to the House Committee on 27 May 2005.

6. On 9 December 2005, the Administration informed the LegCo Secretariat that it had consulted the 18 DCs and HYK on the Bill and requested the Bills Committee to resume consideration of the Bill. At its meeting on 16 December 2005, the House Committee agreed that the Bills Committee be re-activated.

### **Applications to join the Bills Committee after the deadline under Rule 23 of HR**

7. The LegCo Secretariat received applications to join the Bills Committee from Hon CHEUNG Hok-ming and Hon Daniel LAM on 1 June and 20 December 2005 respectively, after the Bills Committee had held its first meeting. Mr CHEUNG and Mr LAM indicated that as the Vice-Chairman and representative of HYK in LegCo respectively, they wished to join the Bills Committee in view of the impact of the Bill on the land in the New Territories.

8. Under Rule 23(c) of HR, if the ground for application for late membership is other than indisposition or absence from Hong Kong during the time when a Member should signify his membership, it is for the Bills Committee to decide whether such application should be accepted, and such application shall only be accepted if there exist sufficient grounds for doing so. An extract from Rule 23 of HR is in the **Appendix** for members' reference.

**Outstanding issues raised at the meeting on 24 May 2005**

9. At the Bills Committee's first meeting on 24 May 2005, the Administration undertook to –

- (a) consult the 18 DCs and HYK on the proposals in the Bill; and
- (b) illustrate on a map, using Shatin as an example, the area covered in 2 km radius of a malaria patient or Japanese encephalitis patient or in areas where Area Ovitrap Indices were above 40%, which were to be included in the internal guidelines concerning “mosquito-related health hazard”.

10. The Administration has provided a paper “Report on consultation results” on the results of the consultation and the map as requested by the Bills Committee [LC Paper No. CB(2)675/05-06(01)].

11. In response to a letter dated 15 December 2005 from HYK concerning a point made in paragraph 6 of the Administration's paper [LC Paper No. CB(2)740/05-06], the Administration has provided a revised version of its paper which has been re-issued to members [LC Paper No. CB(2) 854/05-06(04)].

**Matters to be considered at the meeting on 17 January 2006**

12. Members are invited to consider the applications for membership from Hon CHEUNG Hok-ming and Hon Daniel LAM, and the Administration's paper “Report on consultation results” [LC Paper No. CB(2) 854/05-06(04)].

Council Business Division 2  
Legislative Council Secretariat  
12 January 2006

**Extract from Rule 23 of the House Rules**

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**23. Application for Late Membership**

- (a) An application for late membership of a Bills Committee, Panel, subcommittee under a Bills Committee or Panel, joint subcommittee formed by two or more Panels, or subcommittee on subsidiary legislation (the relevant committee) shall be considered in accordance with this rule after the election of the chairman and deputy chairman, if any, of the relevant committee. The raising of questions which relate to the signification of membership of a relevant committee, after the time when a Member should signify his membership, shall be deemed to be an application for late membership.
- (b) If the ground for application for late membership is indisposition, or absence from Hong Kong, during the time when a Member should signify his membership, it is for the chairman of the relevant committee to decide whether such application should be accepted.
- (c) If the ground for application for late membership is other than that referred to in (b), it is for the relevant committee to decide whether such application should be accepted and such application shall only be accepted if there exist sufficient grounds for doing so.
- (d) A Member who is admitted as a member of the relevant committee under this rule may not seek a re-election of the chairman or deputy chairman of that committee by reason only of his admission.
- (e) Any Member who has failed to be admitted as a member of the relevant committee under this rule may put the case to the House Committee for decision.

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