

Dissanayake DMA #12177v5 (without markings)

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PROVISION OF MUNICIPAL SERVICES (REORGANIZATION) BILL

COMMITTEE STAGE

Amendments to be moved by [_____]

Clause

Amendment Proposed

Schedule 7

By adding before the heading “**Public Finance Ordinance**” -
“**Specification of Public Offices**”

1A. Schedule amended

The Schedule to the Specification of Public Offices (Cap. 1 sub. leg.) is amended by repealing -

“Chief Secretary for	Public Health and Municipal
Administration	Services Ordinance
	(Chapter 132), section
	105S.”.”.

Schedule 7, section 10 By deleting “items 3 and 4” and substituting “item 3”.

Schedule 7, section 26(a) By adding “in force” after “list”.

Schedule 7 By deleting section 36 and substituting -

“36. Interpretation

Section 2(1) of the Public Health (Animals and Birds) Ordinance (Cap. 139) is amended in the definition of “health officer” -

- (a) by repealing “and” and substituting a comma;
- (b) by adding “and includes a public officer authorized under section 17A” after “officer” where it lastly appears.

36A. Limitation of liability for acts done for purposes of Ordinance

Section 14 is amended -

- (a) by adding “or the Director of Food and Environmental Hygiene” after “Director” where it twice appears;
- (b) by adding “or the Food and Environmental Hygiene Department” after “Department”.

36B. Section added

The following is added -

“17A. Director may authorize

public officers to

act as health

officers

The Director may authorize any public officer to perform the functions of a health officer under this Ordinance.”.”.

Schedule 7

By deleting section 37 and substituting -

**“37. Imported animals to be taken to
licensed slaughterhouse or
Government Depot**

Regulation 9 of the Public Health (Animals and Birds) Regulations (Cap. 139 sub. leg.) is amended -

(a) by repealing subregulation

(1) and substituting -

“(1) In this regulation “licensed slaughterhouse” () means a slaughterhouse licensed under the Slaughterhouses Regulation (Cap. 132 sub. leg.).”;

(b) in subregulation (2) by repealing “an abattoir” and

substituting “a licensed slaughterhouse”;

(c) in subregulation (3) -

(i) by repealing “an abattoir” and substituting

“a licensed slaughterhouse”;

(ii) by repealing “abattoir” where it secondly

appears and substituting “licensed

slaughterhouse”.

Schedule 7, section 42 By deleting “, the Urban Council, the Regional Council” and substituting “the Urban Council, the Regional Council or”.

Schedule 7, section 43 By deleting everything from “Section” to “Council” and substituting -
“Section 7(2) of the Chinese Temples Ordinance (Cap. 153) is amended -

(a) by repealing paragraph (b);

(b) in paragraph (d) by repealing “5” and substituting “6”.

Schedule 7 By adding before the heading “**Wild Animals Protection Ordinance**” -

“Dogs and Cats Ordinance

44A. Interpretation

Section 2 of the Dogs and Cats Ordinance (Cap. 167) is amended by repealing the definition of “Secretary” and substituting -

““Secretary”(局長) means the Secretary for the Environment and Food.”.

44B.Regulations

Section 3(2) (a) is amended by repealing “經濟局局長” and substituting “局長” .”.

Schedule 7,
section 47 By adding “and substituting “Director of Food and Environmental Hygiene.” and “Director of Leisure and Cultural Services.” respectively” after “Regional Services.”.

Schedule 7,
section 53 (b) By deleting “Department of Food and Environmental Hygiene” and substituting “Food and Environmental Hygiene Department”.

Schedule 7 By adding before the heading “**Merchant Shipping (Miscellaneous Craft) Regulations**” -

“Air Pollution Control (Specified Processes) Regulations

65A.Second Schedule amended

Form 5 in the Second Schedule to the Air Pollution Control (Specified Processes) Regulations (Cap. 311 sub. leg.) is amended by repealing “Secretary for Planning, Environment and Lands” and substituting “Secretary for the Environment and Food”.

65B. Fourth Schedule amended

The Fourth Schedule is amended by repealing “Secretary for Planning, Environment and Lands” where it twice appears and substituting “Secretary for the Environment and Food”.

65C. Fifth Schedule amended

The Fifth Schedule is amended by repealing “Secretary for Planning, Environment and Lands” and substituting “Secretary for the Environment and Food”.

Schedule 7 By adding before the heading **“Waste Disposal (Refuse Transfer Station) Regulation” -**
“Waste Disposal (Designated Waste Disposal Facility) Regulation

83A. Amendment of Schedule

Section 8 of the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg.) is amended by repealing “Secretary for Planning, Environment and Lands” and substituting “Secretary for the Environment and Food”.

Schedule 7,
section 93(b) By deleting “Department of Food and Environmental Hygiene” and substituting “Food and Environmental Hygiene Department”.

Schedule 7 By adding before the heading **“Ozone Layer Protection Ordinance” -
“Noise Control Ordinance**

93A. Interpretation

Section 2 of the Noise Control Ordinance (Cap. 400) is amended in the definition of “Secretary” by repealing “Secretary for Planning, Environment and Lands” and substituting “Secretary for the Environment and Food”.

**“Noise Control (Appeal Board)
Regulations**

93B. Forms

Forms 1, 2 and 2A of the Schedule to the Noise Control (Appeal Board) Regulations (Cap. 400 sub. leg.) are amended in the notes by repealing “Secretary for Planning, Environment and Lands” and substituting “Secretary for the Environment and Food”.

Schedule 7,
section 113(a) By deleting “Department of Food and Environmental Hygiene” and substituting “Food and Environmental Hygiene Department”.

Schedule 7 By adding before the heading **“Chinese Permanent Cemeteries
Ordinance” -**

“Legislative Council Ordinance

125A. Composition of the sports,

**performing arts, culture
and publication
functional
constituency**

Section 20V(1) (e) of the Legislative Council Ordinance (Cap. 542) is amended by repealing “or the Provisional Regional Council” and substituting”, the Provisional Regional Council, the Leisure and Cultural Services Department or the Home Affairs Bureau”.”.

- Schedule 7 (a) By deleting the heading before section 130.
(b) By deleting sections 130 to 132.

Schedule 7 ¹[By adding -
**“Firearms and Ammunition (Amendment)
Ordinance 1999**

**133. Possession on behalf of
the Crown etc.**

Section 3(a) of the Firearms and Ammunition (Amendment) Ordinance 1999 (of 1999) is repealed.”.]

¹ The inclusion of this depends on whether the resumption of second reading of the PMS (Reorganization) Bill is before or after that of the Firearms & Ammunition (Amendment) Bill 1998

Provision of Municipal Services (Reorganization) Bill
Committee Stage Amendments
to be moved by the Secretary for Constitutional Affairs

Schedule 7 - Consequential and Miscellaneous Amendments

- **Specification of Public Offices (Interpretation and General Clauses Ordinance (new clause 1A))**

Proposed CSA : Deleting from the Schedule to the above (Cap. 1 Sub. leg.) the entry of the Public Health and Municipal Services Ordinance, section 105S which requires any person using a civic centre for the purpose of public meeting to obtain the prior consent of the Chief Secretary.

Remarks : Consequential amendment upon the repeal of section 105S in Cap. 132 as proposed by Members.

- **Fire Services Department (Reports and Certificates) Regulations (clause 10 - C1979)**

Proposed CSA : Deleting 'items 3 and 4' and substituting 'item 3'.

Remarks : A technical amendment. The table which specifies fees payable for the issue of a certificate required for compliance with the Food Business Regulation only relates to item 'item 3' and 'not items 3 and 4'.

- **Rating Ordinance (clause 26 - C1983)**

Proposed CSA : Amending section 18 to clarify that the rates payable will be calculated on the basis of a prescribed percentage of the ratable value of every tenement included in a valuation list which is "in force".

Remarks : Technical amendment for the avoidance of doubt.

- **Public Health (Animals and Birds) Ordinance**
 - **Authorization of a public officer health officer (clause 36 - C1987 and new clause 36B)**

Proposed CSA : Amending the definition of “health officer” in section 2 of the above Ordinance and adding a new section 17A, empowering the Director of Health to authorise public officers to act as health officers.

Remarks : The new definition will enable the Director of Health to authorise medical officers seconded to the new FEHD to carry out the functions set out under the Public Health (Animals and Birds) Ordinance and its subsidiary legislation.

- **Limitation of Liability (new clause 36A)**

Proposed CSA : Amending section 14 of the above Ordinance to save the Director of Food and Environmental Hygiene (in addition to the Director of Agriculture and Fisheries) from the liability for acts done for purposes of the Ordinance.

Remarks : Inclusion of the Director of Food and Environmental Hygiene is necessary as she will be involved in enforcing the provisions under this Ordinance.

- **Change of name of the new Department**
 - **Public Health (Animals and Birds) Ordinance (new clause 36A)**
 - **Magistrates Ordinance (clause 53 - C1993)**
 - **the Ombudsman Ordinance (clause 93 - C2007)**
 - **Tsing Ma Control Area Ordinance (clause 113 - C2011)**

Proposed CSA : Amending the name of the proposed “Department of Food and Environmental Hygiene” to “Food and Environmental Hygiene Department”.

Remarks : A technical amendment. The Chinese name, however, is to remain the same (食物環境衛生署).

- **Public Health (Animals and Birds) Regulations (clause 37 - C1987)**

Proposed CSA : Deleting proposed clause 37 and substituting more comprehensive. CSAs as follows:

- substituting the meaning of abattoir in sub-reg. 9(1) of the above Regulation by the meaning of ‘licensed slaughterhouse’; and
- substituting of the word ‘abattoir’ in sub-reg. 9(2) and 9(3) by ‘licensed slaughterhouse’.

Remarks : The existing clause 37 which proposes to delete sub-reg. 9(1) is not adequate. The proposed CSAs to reg. 9 of the above Regulations reflect the segregation arrangements for imported animals upon closure of Kennedy Town and Cheung Sha Wan Abattoir, which has been implemented.

- **Societies Ordinance (clause 42 - C1989)**

Proposed CSA : Amending definition of ‘election’ under section 2(1) of the above Ordinance to take account of the revised wording introduced by the Legislative Council (Amendment) Ordinance 1999 which was passed in July 1999.

Remarks : CSA to reflect the up-to-date wording in section 2(1) which clause 42 proposes to delete.

- **Chinese Temples Ordinance (clause 43 - C1989)**

Proposed CSA : CSAs include

- deleting section 7(2)(b) of the above Ordinance which stipulates the appointment of ‘one member who shall be Chinese’; and

- amending section 7(2)(d) to increase the number of persons to be appointed by the Chief Executive as members of the Chinese Temples Committee from 5 to 6.

Remarks : The proposed deletion of section 7(2)(b) is to avoid the misunderstanding that there is racial requirement in the appointment of that member. As a result of this proposed deletion, we propose that the number of members in section 7(2)(d) be increased correspondingly from 5 to 6 so that the total number of membership remains the same as at present.

- **Dogs and Cats Ordinance (new Clause 44A)**
[Dogs and Cats (Amendment) Ordinance 1997 as in the Bill] (clauses 130, 131 and 132 - C2017)

Proposed CSA : Making consequential amendments due to enactment of the above Amendment Ordinance in June 1999. These include

- adding a new section 44A under a new heading “Dogs and Cats Ordinance”;
- amending the definition of ‘Secretary’ in section 2 to be the ‘Secretary for the Environment and Food’ and substituting ‘經濟局局長’ under section 3(2)(a) of the Chinese text by ‘局長’; and
- repealing clauses 130, 131 and 132 in Schedule 7, which have been duly substituted by the above.

Remarks : Consequential amendments upon enactment of the above Amendment Ordinance. Except for the name of the Ordinance, there is no change in the contents of the proposed amendments.

- **Defences (Firing Areas) Ordinance (clause 47)**

Proposed CSA : Amending clause 47 to stipulate the Director of Food and Environmental Hygiene and Director of Leisure and Cultural Services as the recipients of firing programmes undertaken by the People’s Liberation Army stationed in the HKSAR.

Remarks : The above is an inadvertent omission. Currently the Director of Urban Services and Director of Regional Services receive such notifications. Replacement of the two current Directors with the Directors of the new departments is necessary, to ensure safety of the staff of the future Food and Environmental Hygiene Department and Leisure and Cultural Services Department when performing outdoor duties.

- **Substitution of Authority**

- **Air Pollution Control (Specified Processes) Regulations (new clauses 65A, 65B & 65C)**
- **Waste Disposal (Designated Waste Disposal Facility) Regulation (new clause 83A)**
- **Noise Control Ordinance (new clause 93A)**
- **Noise Control (Appeal Board) Regulations (new clause 93B)**

Proposed CSA : Deleting “Secretary for Planning, Environment and Lands” and substituting “Secretary for the Environment and Food”.

Remarks : Technical amendments previously omitted and now included to reflect the transfer of responsibility upon establishment of the new Environment and Food Bureau.

- **Legislative Council Ordinance (new clause 125A)**

Proposed CSA : Amending section 20V(1)(e) of the Legislative Council Ordinance (which define the composition of the sports, performing arts, culture and publication functional constituency) by adding the Leisure and Cultural Services

Department and the Home Affairs Bureau to the text so that organizations receiving subsidy/grant from them would be included the scope of the above functional constituency.

Remarks : Consequential amendment upon the enactment of the Legislative Council Amendment Ordinance passed by the Legislative Council in July 1999.

• **Firearms and Ammunition (Amendment) Ordinance 1999 (new clause 133)**

Proposed CSA : Deleting section 3(a) of the above Amendment Ordinance before its commencement so that clause 58 in Schedule 7 of the Bill may have its effect to delete ‘or the Urban Council’ from section 3(b) of the Firearms and Ammunition Ordinance accordingly.

Remarks : The inclusion of this CSA depends on whether the PMS (Reorganization) Bill is enacted before or after the Firearms and Ammunition (Amendment) Bill 1998. If the Firearms and Ammunition (Amendment) Bill 1998 is enacted before the PMS (Reorganization) Bill, we shall need this CSA to obviate section 3(a) of that Bill which provides the substitution of ‘or the Urban Council’ by ‘Provisional Urban Council and the Provisional Regional Council’. If it is the other way, we shall not need this CSA but the Law Draftsman will propose another CSA, outside the context of this Bill, to delete section 3(a) of the Firearms and Ammunition (Amendment) Bill 1998.

- END -

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