

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.

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